**Template Form TF 010** **|** 14 March 2023

# Notice to Attend Interview Template Letter

This **Notice to attend a formal meeting** is in template form only. A registered organisation or branch that wishes to use this template needs to carefully consider the contents of the template notice and amend the notice as required to fit in with the policies, procedures, resources and structure of the organisation or branch. In considering the notice, each organisation and branch is reminded to consider:

* whether it will be able to effectively comply with the provisions of the notice; and
* how the organisation or branch will educate its officers, employees and members involved in investigations about the notice and requirements therein.

The purpose of this notice is to inform an officer, employee or member that they are required to attend a formal meeting in which formal allegations of misconduct will be presented to them and where they will be given the opportunity to formally respond to the misconduct allegations.

In deciding whether this template should be used, and when to use it, you should first consider your internal policies and procedures regarding investigations. These internal policies and procedures may set out certain processes that must be followed when an investigation into allegations of misconduct are conducted. In such a case, this template should be amended to reflect and adhere to those respective processes to the extent they are applicable.

It is a requirement of procedural fairness that you provide adequate notice to a person if you intend to have a meeting with them to present formal allegations to them. This notice needs to give the person enough time and enough detail to prepare for the meeting and formally answer any allegations you intend to put to them.

Depending on the circumstances, one or two business days may be enough time to allow a person to prepare for a meeting. Please note that your organisation’s rules may specify a minimum period of notice. However, in situations where there are a high number of allegations and/or the allegations are complex, additional time may be required. In addition, if a person might require additional time to access documents or records to disprove or answer an allegation, it might be necessary to provide the person with this additional time to prepare. In determining what amount of time is enough, you should consider the following questions:

* How many allegations are made against the person?
* How complicated are the allegations (e.g. does it involve various laws or documents like financial statements?)
* Will the person have enough time to prepare and be able to fairly answer the allegations?
* Does the person have enough time to obtain and access any information or records that the person may need to answer the allegations?
* What do your organisation’s rules say about how much notice must be given?

In order to satisfy the requirement that the notice contains enough detail, the person receiving the notice must be able to understand the allegation and be able to know what event/instance/action took place and how this event/instance/action is considered misconduct. This normally means that details such as dates, location, persons involved, actions and rules that are alleged to be breached are set out.

Each organisation and branch will firstly have their own rules and are also encouraged to consult the Fair Work Commission (the Commission) website ([www.fwc.gov.au](http://www.fwc.gov.au)) for additional resources and guides as required or to seek external assistance (such as from peak bodies including the ACTU and ACCI) in undertaking investigations and training for the organisation, its branches, officers, employees and members on the importance and purpose of having clear processes and procedures about conducting investigations.

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This fact sheet is not intended to be comprehensive. It is designed to assist in gaining an understanding of the Fair Work Commission and its work. The Fair Work Commission does not provide legal advice.

| **Version** | **Date published** | **Changes** |
| --- | --- | --- |
| 1 | March 2019 |  |
| 1.2 | March 2023 | Text and formatting changes |

Click or tap to enter a date.

Insert name of person being investigated.

Insert method by which the notice will be delivered (e.g. hand or email).

cc: insert name of designated official or other person who should be aware of the notice.

Insert delivery method.

Dear Firstname Lastname,

## Internal Investigation – Notice of Allegations

I refer to our letter to you dated insert date Notice of investigation was given.. In the notice you were advised that insert name of registered organisation. (the organisation) had commenced an investigation into allegations that you failed to comply with the insert rule, policy, name of code or legislative requirement alleged to have been breached e.g. RO Act or Code of Conduct.

The organisation has engaged insert name/s of investigators and details of which organisation they are from to undertake an investigation into the allegations. Having commenced the investigation, I am writing to you to advise that you are suspected of breaching insert rule, policy, name of code or legislative requirement alleged to have been breached e.g. RO Act or Code of Conduct. This suspected breach is in connection to the following allegations:

* insert sufficient elements and details of each allegation.

These allegation/s, if found to be substantiated may constitute a breach of the organisation’s insert rule, policy, name of code or Act, including relevant sections, alleged to have been breached.

**Direction to Attend Interview:**

A formal meeting has been scheduled for you to attend, the details of which are set out below. Insert name/s of investigators and details of which organisation they are from will conduct the meeting.

This meeting will be your opportunity to offer any explanation about which you believe we should be aware, and for the investigator to question you in relation to the above allegation/s. You may, if you wish, have a support person attend this meeting with you.

The support person is not to respond to questions on your behalf but can provide you with any necessary support. You must inform us if you wish to bring a support person prior to the meeting and provide the details of the support person, as there may be reasons why the support person is not suitable (for example they are involved in the investigation in some regard) in which case you will be asked to nominate another support person.

If you have any documents, or if you wish to provide a written statement, or other items which you believe may assist you in responding to the above allegation/s then you should bring them with you to the interview.

The details of the meeting are as follows:

**Date:** Click or tap to enter a date

**Time:**  Insert time of meeting

**Location:** Insert location of meeting

Once the meeting is completed any remaining relevant evidence will be gathered. At the conclusion of this investigation, findings will be made. If the findings are that the allegations have been substantiated, then you will be advised of those findings and provided an opportunity to provide a written response to those findings. The investigation report, including a copy of your written response, will be provided to name of decision maker for their determination as to the outcome. The Organisation may take disciplinary action against you, up to and including termination of your employment/membership.

The investigation is still on-going and is confidential. You must not discuss any aspect of the investigation, your interview, or any other evidence with any other person unless there is a legitimate reason, as to do so may constitute further misconduct. Such legitimate reason may be to obtain legal advice, for example. Similarly, any support person you bring with you to the interview must also abide by this confidentiality provision.

**Access to Employee Assistance <delete if no EAP exists>**

I appreciate that the information contained in this letter and the enclosed material may be difficult for you. If you are in need of independent support and want to talk to a private and confidential counsellor, I encourage you to make use of the Employee Assistance Program, by contacting insert EAP details.

Yours sincerely,

Insert name of Decision-maker

Insert position of Decision-maker