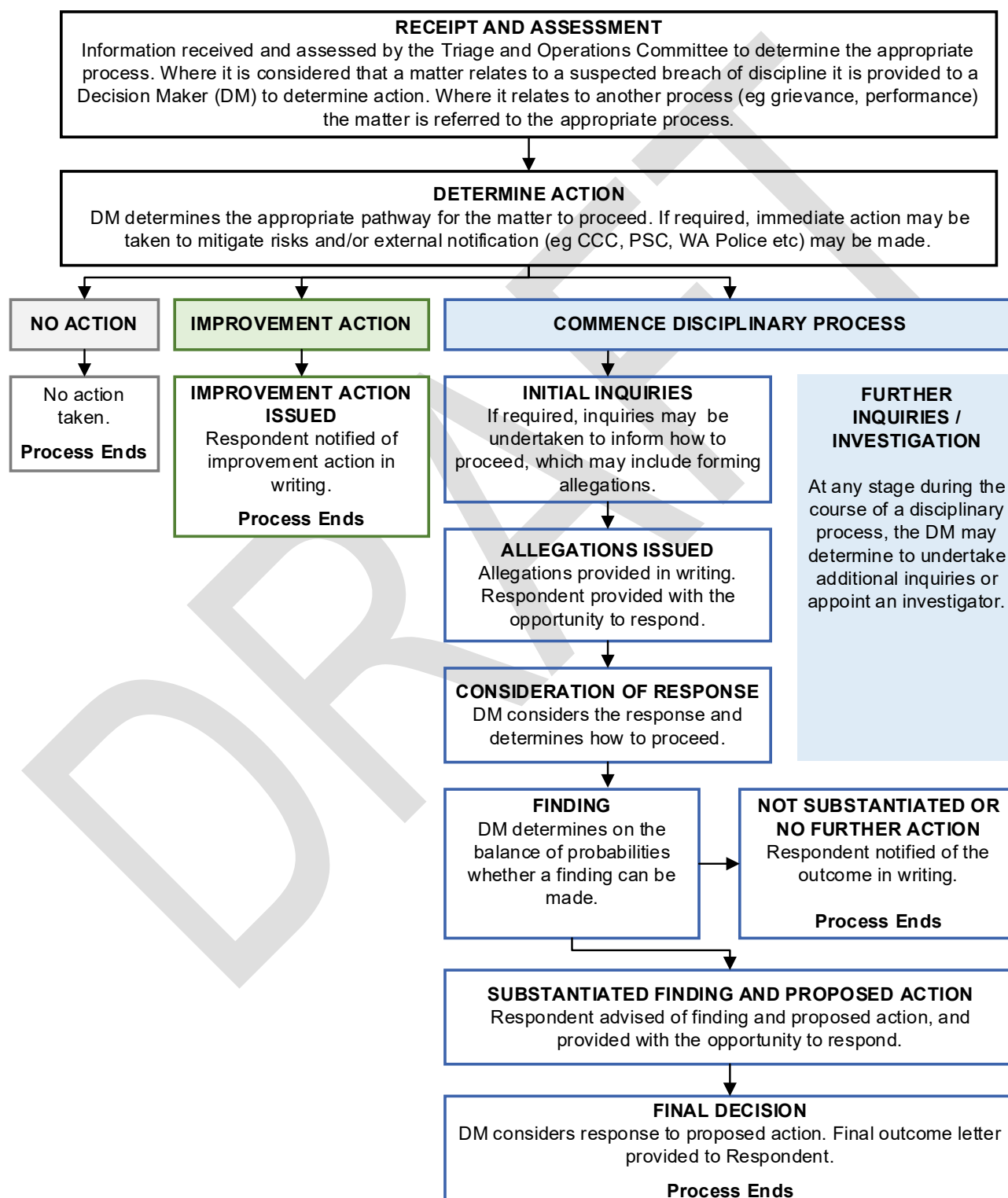




Discipline Process Flowchart

This flowchart and its explanatory note at Attachment 1 are a related document to, and are to be read in conjunction with, the [Department of Health Discipline Policy](#).

Department of Health Discipline Process Flowchart



Attachment 1: Explanatory Note

This explanatory note is intended to be read alongside the Discipline Process Flowchart. This document provides additional context and information relevant to each step within the process used for addressing suspected breach of discipline within the Department of Health (the department).

1. Receipt and assessment

- Information is received by System-Wide Integrity Services (SWIS) or Human Resources (HR) which may relate to a concern regarding an employee (e.g. complaint, referral, disclosure, audit finding, other information).
- The matter is triaged at the Triage and Operations Committee to determine the appropriate process for the matter (e.g. discipline, grievance, performance etc).
- Matters which raise a concern that may constitute a suspected breach of discipline are referred to SWIS for further assessment.

2. Determine of action

- An assessment of the information is provided to the delegated Decision Maker (DM). The DM for each process is the appropriate person identified within the department [Authorisation and Delegations Register](#) to carry out the function described in the process.
- The DM considers the information and determines the appropriate pathway and action. This may include:
 - determining to treat the matter as non-disciplinary and to take no action
 - determining to treat the matter as non-disciplinary and take improvement action
 - determining that additional inquiries should be undertaken to inform this decision and requesting those inquiries be undertaken, or
 - determining to treat the matter as disciplinary.

2.1 Risk mitigation

- Concurrently to determining the next action to take in response to the suspected breach of discipline, the DM also considers whether there are any immediate actions that are required to mitigate risks associated with the matter.
- Where immediate actions are required to mitigate risks, action is taken to implement these actions as a priority.
- Immediate action that is considered necessary to mitigate risks (e.g. direction away from the workplace, alteration of duties etc) may be taken at any stage within the process as required.
- Where suspension is being considered, the respondent is to be provided with an opportunity to respond to the proposed suspension as soon as practicable. Where a suspension is proposed, this may be on full, partial or no pay.

2.2 External notification

- Also, concurrently to determining the next action to take in response to the suspected breach of discipline, an assessment is conducted to determine whether any notification to external agencies is required (e.g. Corruption and Crime Commission, Public Sector Commission, WA Police etc.).
- When notifications to external agencies are required, these are prepared and progressed by SWIS.

3. No action

- Where the DM determines it to be appropriate, they may decide to treat the matter as non-disciplinary and take no action. At this point, the process concludes.
- Where the DM determines to treat the matter as non-disciplinary and take no action, the matter may only be recommenced if substantial and fresh material evidence or information becomes available, that in the department's view warrants proceedings being commenced.

4. Improvement action

- Where the DM determines it to be appropriate, they may decide to treat the matter as non-disciplinary and take improvement action with respect to the employee.
- The issue of an improvement action does not constitute a finding that a breach of discipline has occurred.
- Where an improvement action is issued, it will be provided in writing to the relevant employee.

5. Disciplinary process

5.1 Inquiries and investigations

- Where the DM determines it to be appropriate to commence a disciplinary process the DM may determine to proceed directly to the issue of a letter of allegation, or to conduct initial inquiries to inform how the disciplinary process should proceed. This may include notification to the respondent (via a discipline commencement letter), and/or seeking further information before determining or particularising allegations.
- At any point during the disciplinary process prior to making a finding, the DM may determine to undertake further inquiries or determine to commence an investigation.

5.2 Allegations issued

- The DM notifies the respondent in writing (via a letter of allegation) of the alleged breach/es of discipline and advises of the possible outcomes.
- The respondent is provided with the opportunity to respond to the allegations (in writing and/or in person).
- Allegations provided to the respondent are required to be sufficiently detailed to enable the respondent appropriately respond.

5.3 Consideration of response to allegations

- The DM considers the response provided by the respondent. If there is insufficient information to reach a finding, the DM may request further inquiries be conducted or an investigation commenced (as outlined in 5.1.). When the DM determines that there is sufficient information to do so, they may make a finding.

5.4 Finding

- The DM, having considered all the available information, may make a finding on the balance of probabilities as to whether each allegation is substantiated or not.
- Where an allegation of a breach of discipline is substantiated, the DM may determine to:
 - take disciplinary action,
 - take improvement action,
 - take both disciplinary and improvement action, or
 - take no further action.

5.4.1 Not substantiated or no further action

- Where the DM determines that all the allegations provided are not substantiated or determines to substantiate allegations but take no further action, the DM will notify the respondent of the outcome in writing.
- Once the respondent is notified, the process concludes.

5.4.2 Substantiated finding and proposed action

- The DM advises the respondent in writing (via the proposed outcome letter) of the finding and the proposed action. Where disciplinary action is proposed the respondent is provided with reasons for the decision, and a reasonable opportunity to respond to the proposed action.

5.5 Final decision

- The DM considers any response provided by the respondent, including any mitigating factors.
- The DM decides whether to impose the proposed action. Where the action is imposed, the Respondent is notified in writing (via the final outcome letter). The respondent is advised of the reasons for the decision and informed of any available appeals mechanisms. Once the respondent is notified of the final outcome, the process concludes.

6. Other considerations

- The DM can at any stage of the process decide to take improvement action, no action or discontinue the process.
- The department recognises that disciplinary processes can have a significant impact on respondents, complainants, witnesses, managers and investigators. Wherever possible and reasonable, processes should be managed in a manner that minimises unnecessary harm, maintains dignity and respect, and supports the wellbeing of those involved.
- Appropriate communication is maintained with affected parties throughout the process, including the provision of periodic status updates where matters remain ongoing.

7. Approval and Review

This document is approved in accordance with the approval authority described in the Policy Governance Procedure and will be reviewed as required to determine effectiveness, relevance and currency. At a minimum it will be reviewed every 3 years.

Version	Effective from	Effective to	Amendment(s)	Approval
DRAFT 1.0	TBD	XX Month Year	Original version	

The review table indicates previous versions of the mandatory procedure and any significant changes.

The owner of this document is the **Executive Director, Office of the Director General**

Enquiries relating to this policy may be directed to DoHIntegrity@health.wa.gov.au.

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