

A letter of allegations or notice to show cause is used to put issues or allegations of poor performance or misconduct to an employee formally, in writing. An employee is asked to explain why they should not face disciplinary action (which may include termination) in relation to the allegation/s outlined in the letter.

Responding to a letter

Providing a response in writing is your opportunity to formally respond to the allegations outlined in the letter. You can choose not to provide a response, but it is strongly encouraged you provide a response in writing addressing the allegations raised in the letter. It is important that you contact our Union prior to submitting your written response.

When writing your response, ensure:

- Every allegation that has been presented to you is addressed;
- The response is relevant, accurate, to the point, and clear;
- The response is dated and you have checked your response thoroughly before submitting; and
- Any other relevant information such as mitigating or extenuating circumstances you want the decision maker to consider when deciding on the outcome has been included.

The following is a suggested process for you to follow when drafting a written response to allegations:

1. Respond to each specific allegation under a separate heading in the order it appears in the employer's correspondence;
2. Prepare your response to each allegation in turn, addressing the following:

Is there sufficient detail to be able to adequately respond to the allegation?

- If not, it is very difficult to develop a comprehensive response.
- Any vague, general, subjective or unsubstantiated allegations should be identified as such in your response.
- You should also indicate, where appropriate, that more information is needed to be able to provide a considered response.

It is important not to make assumptions regarding what you think the allegations are about.

- The allegations must detail exactly what the concern is (e.g. who, what, when, where), or your employer is not giving you enough information to be able to respond.
- If this is not provided, you should indicate there is insufficient detail to adequately respond to the allegations.

Are the allegations factually correct?

- If the allegations are correct, you should include a statement regarding your motivation or rationale for taking the particular action that is the subject of the allegation.
- There may have been a valid reason (or reasons) for your actions and it is important this is communicated to your employer.
- If the allegations are incorrect (or partly incorrect), this should be clearly stated, together with an identification of the error(s).
- Is there any other relevant information such as mitigating or extenuating circumstances you want your employer to consider.

Did the allegations occur more than a few weeks ago?

- *If so, you should ask why the allegations were not provided to you in a more-timely manner.*
- *The more serious the allegation, the greater is the onus on the employer to act promptly.*

Your employer will advise you what date your response is due. If you feel you cannot meet the timeframe, you can request an extension of time. Make sure you contact our Union if you have any concerns about not being able to meet the timeframe.

SUPPORT PERSON

If you are requested to attend a meeting to provide your response you should also arrange for a support person to attend with you. Make sure you contact our Union as soon as possible to arrange support during the meeting.

You should also let your employer know if you are bringing a support person, as a matter of courtesy.