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**Template Form TF 011** **|** 14 March 2023

# Investigation Plan

## <DELETE THIS SECTION WITH THE FAIR WORK COMMISSION LETTERHEAD PRIOR TO PUBLISHING THIS DOCUMENT>

## \*PLEASE NOTE: This Investigation Plan 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 plan and amend the plan as required to fit in with the rules, procedures, resources and structure of the organisation or branch. In considering the investigation plan, each organisation and branch is reminded to consider:

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

The purpose of this investigation plan is to assist an internal officer or employee who is required to investigate alleged breaches (e.g. breach of the RO Act or a breach of an internal rule or policy).

The plan is set out so that relevant details can be inserted and are then readily available should the investigator require them. It also requires that the objectives and risks to the investigation are set out. By considering the objectives and risks at the beginning of the investigation, it allows the investigator to be alive to these issues and plan accordingly.

Each organisation and branch is encouraged to consult their rules and the Fair Work 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.

| Disclaimer: This guidance material is designed to assist those involved with registered organisations and to provide information on the obligations on registered organisations. It is not intended to be a complete summary of the legislative requirements, nor a substitute for legal advice. Users of this material must rely upon and refer to their rules, the relevant legislation, which is set out in the *Fair Work (Registered Organisations) Act 2009* and the *Fair Work (Registered Organisations) Regulations 2009*. |
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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.

# Investigation Plan

## Relevant Details

| **Complainant Details** |
| --- |
| Name | Click or tap here to enter text. |
| Position | Click or tap here to enter text. |
| Contact Number | Click or tap here to enter text. |
| Email | Click or tap here to enter text. |

| **Responsible Officer Details** |
| --- |
| Name | Click or tap here to enter text. |
| Position | Click or tap here to enter text. |
| Contact Number | Click or tap here to enter text. |
| Email | Click or tap here to enter text. |

| **Investigator Details** |
| --- |
| Business unit | Click or tap here to enter text. |
| Decision maker | Click or tap here to enter text. |
| Decision maker’s number | Click or tap here to enter text. |
| Decision maker’s email | Click or tap here to enter text. |

| **Decision Maker Details** |
| --- |
| Business unit | Click or tap here to enter text. |
| Decision maker | Click or tap here to enter text. |
| Decision maker’s number | Click or tap here to enter text. |
| Decision maker’s email | Click or tap here to enter text. |

| **Respondent Details** |
| --- |
| Business unit | Click or tap here to enter text. |
| Decision maker | Click or tap here to enter text. |
| Decision maker’s number | Click or tap here to enter text. |
| Decision maker’s email | Click or tap here to enter text. |

| **Witness Details** |
| --- |
| Business unit | Click or tap here to enter text. |
| Decision maker | Click or tap here to enter text. |
| Decision maker’s number | Click or tap here to enter text. |
| Decision maker’s email | Click or tap here to enter text. |

| **Decision Maker Details** |
| --- |
| Business unit | Click or tap here to enter text. |
| Decision maker | Click or tap here to enter text. |
| Decision maker’s number | Click or tap here to enter text. |
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| **Witness Details** |
| --- |
| Business unit | Click or tap here to enter text. |
| Decision maker | Click or tap here to enter text. |
| Decision maker’s number | Click or tap here to enter text. |
| Decision maker’s email | Click or tap here to enter text. |

# Investigation details

| **Background** |
| --- |
| Example: a brief summary or overview of the issues raised as well as pertinent details of the allegations |

| **Key Persons** |
| --- |
| POI / Respondent | Click or tap here to enter text. |
| Informant / Complaint | Click or tap here to enter text. |
| Witness/es | Click or tap here to enter text. |
| Line Manager / MOR | Click or tap here to enter text. |

| **Scope of investigation** |
| --- |
| Example: set out the high-level scope of the investigation to be undertaken; this may come from an internal document such as a complaint or internal memo or briefing. |

| **Possible Contraventions** |
| --- |
| Example: set out the alleged contraventions/breaches of the relevant policy/rules. |

| **Objectives of Investigation**  |
| --- |
| Example: set out the objectives of the investigation to examine the complaint or allegations and specifically list the questions or issues that need to be examined or answered.  |

| **Possible Sources of Evidence** |
| --- |
| Example: identify relevant evidence/documentation that should be sought from organisation/complainant/witnesszxes/respondent/third parties etc. |

## Allegations

(List any initial allegations that have been raised at the outset of the investigation, and which you are trying to assess during the investigation)

1. Allegation 1

Click or tap here to enter text.

1. Allegation 2

Click or tap here to enter text.

1. Allegation 3

Click or tap here to enter text.

Confirmation of allegations received from Complainant on Click or tap to enter a date.

| **Risks to investigation** |
| --- |
| **Nature of Risk** | **Proposal for Management** |
| Examples:* Informant has made a protected disclosure (Whistleblower)
* Relationships to named parties (potential or actual conflicts of interests)
* Financial risks/impact
* Media and/or reputational risks
* Litigation risks – e.g. involves a customer or supplier
 | Click or tap here to enter text. |

| **Investigation Methodology** |
| --- |
| **Phase 1** | **Phase 2** |
| (Usually the information gathering phase – identify relevant information, documents and other material required to be examined)* Who do you need to speak to first?
* Urgent matters / evidence considerations.
* Safety and wellbeing considerations.
* Inform all relevant parties you speak to of the confidential nature of the inquiries.
* Is there any more information required from the complainant/informant before the investigation can commence?
* Prepare the witness list.
* Questions to answer.
 | (Usually the inquiries phase – email and forensic review, ‘open-source’ (i.e. publicly available) information, background checks, interviews with complainants, witnesses and respondents) |
| **Phase 3** | **Phase 4** |
| (Usually the contradictory evidence phase – if there is contradictory evidence, consider whether further exploration is necessary) | (Usually the reporting phase – drafting of initial findings, allowing the respondent to provide a response to the findings, briefing with decision maker/s and other stakeholders. Issuing the investigation summary of findings) |

# Communication details

| **Reporting and Communication Plan** |
| --- |
| Who needs to receive Investigation Report | Click or tap here to enter text. |
| Who needs to receive Progress Updates and how often | Example: how far along a particular phase you are. |
| What should be included in the report | Click or tap here to enter text. |

| **Communication Running Sheet** |
| --- |
| **Date of Contact** | **Time** | **Contact Initiated By** | **Person Contacted** | **Subject** | **File Note** |
| Click or tap to enter a date. |  |  |  |  |  |
| Click or tap to enter a date. |  |  |  |  |  |
| Click or tap to enter a date. |  |  |  |  |  |

# Investigation Progress Report

## Allegation 1

Click or tap here to enter text.

| **Elements of Allegation 1 to be investigated** | **Actions required** | **Resources needed** | **Responsible person** | **Estimated completion date** | **Progress Notes** | **Outcome** |
| --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  | Click or tap to enter a date. |  | Choose an item. |
|  |  |  |  | Click or tap to enter a date. |  | Choose an item. |
|  |  |  |  | Click or tap to enter a date. |  | Choose an item. |
|  |  |  |  | Click or tap to enter a date. |  | Choose an item. |
|  |  |  |  | Click or tap to enter a date. |  | Choose an item. |

# Investigation Progress Report

## Allegation 2

Click or tap here to enter text.

| **Elements of Allegation 1 to be investigated** | **Actions required** | **Resources needed** | **Responsible person** | **Estimated completion date** | **Progress Notes** | **Outcome** |
| --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  | Click or tap to enter a date. |  | Choose an item. |
|  |  |  |  | Click or tap to enter a date. |  | Choose an item. |
|  |  |  |  | Click or tap to enter a date. |  | Choose an item. |
|  |  |  |  | Click or tap to enter a date. |  | Choose an item. |
|  |  |  |  | Click or tap to enter a date. |  | Choose an item. |

# Investigation Progress Report

## Allegation 3

Click or tap here to enter text.

| **Elements of Allegation 1 to be investigated** | **Actions required** | **Resources needed** | **Responsible person** | **Estimated completion date** | **Progress Notes** | **Outcome** |
| --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  | Click or tap to enter a date. |  | Choose an item. |
|  |  |  |  | Click or tap to enter a date. |  | Choose an item. |
|  |  |  |  | Click or tap to enter a date. |  | Choose an item. |
|  |  |  |  | Click or tap to enter a date. |  | Choose an item. |
|  |  |  |  | Click or tap to enter a date. |  | Choose an item. |