Checklist

Preliminary considerations

**Understand the circumstances**

* Have you discussed the matter with the employee whose conduct is in question (if appropriate)?
* Have you considered factors that may provide context to the behaviour? These may be:
* ***Personal***, including adjustment to a new role or duties, or issues outside work
  + Is there a health condition or disability that may need to be taken into account?
* ***Interpersonal***, including a dispute or a breakdown in relationship between peers or between an employee and their manager
* ***Institutional***, including practices or expectations that normalise certain behaviours or make it difficult for employees to do the right thing
* Where the suspected behaviour raises concerns that could relate to effective performance or a potential breach of the Code, has the Commissioner’s guidance been considered as required by s.52 of the Commissioner’s Directions? The guidance is in Chapter 4 of *Handling Misconduct*.

**Assess the seriousness**

* Have you considered the extent to which the suspected behaviour could undermine public confidence in the APS and its employees? Factors to take into account include:
* ***Seniority****—what is the level of responsibility and role modelling expected of the employee?*
* ***Role****—does the suspected behaviour appear to contravene specific obligations, expectations, or responsibilities of the employee’s role?*
* ***Nature and extent of conduct****—how far outside expected standards does the behaviour fall*? Is a pattern of behaviour indicated?
* Have you considered the impact of unconscious bias on your assessment?
* To enable consistency of approach in the agency, have agency behavioural standards or relevant guidance material been considered?

**Respond proportionately**

* Having regard to the circumstances and the seriousness of the suspected behaviour, have you considered how to prevent recurrence and demonstrate the agency’s commitment to maintaining proper standards of conduct?
* Is your proposed response proportionate to the seriousness of the suspected conduct and the risk it poses to public confidence in the APS?
* Have you considered the impact of the suspected behaviour, and your proposed response, on the workplace, and how you will manage this?
* If the suspected behaviour has become the subject of public comment, has appropriate action been taken to respond to that public comment, or other action taken to protect the reputation of the agency or the APS?

***Lower-risk matters***

* If the matter has been assessed as less serious, or less likely to undermine public confidence in the APS, have the options in Chapter 5 of Handling Misconduct been considered?

***Higher-risk matters***

* If the matter has been assessed as more serious or higher-risk, has consideration been given to:
  + a change in role or duties or suspension of the employee whose behaviour is in question?
  + measures to protect the safety and wellbeing of employees or clients, or to protect the security of evidence that may be required in the investigation process?

***Former employees***

* If a former employee is suspected of misconduct, in deciding whether to investigate the matter have the following factors been considered:
  + availability of and access to evidence?
  + what public interest there is in investigating the matter?
  + the implications for maintaining proper standards of APS conduct and public confidence in the integrity and reputation of the agency or the APS if the matter is not investigated?