Template letter: Initial suspension and show cause (unpaid suspension)

[Address]

Dear [insert name],

I have received [a report/investigation report/a statement/information/complaint] dated [insert date], from [investigator/complainant/internal consultant/external consultant] concerning [insert high-level description of the allegation[s].

* [insert allegation[s]

[**Option one** – use this content when there is a reasonable suspicion the employee may be liable to discipline]

Section 101(1)(a) of the *Public Sector Act 2022* (the Act) provides that an employee may be suspended from duty if the chief executive reasonably believes that the employee is liable to discipline.

On preliminary consideration of the material before me, I reasonably believe you are liable to discipline.

[**Option two** – use this content when the proper and efficient management of an entity may be prejudiced, for example, if the employee remaining in the workplace may bring risk to the work unit or entity]

Section 101(1)(b) of the Actprovides that an employee may be suspended from duty if the chief executive reasonably believes that proper and efficient management of the entity might be prejudiced if the employee is not suspended.

On preliminary consideration of the material before me, I reasonably believe the proper and efficient management of the entity may be prejudiced if you are not suspended.

[include for both options]

In accordance with [insert description of delegation e.g. HR delegations of insert date] I have been delegated the functions of the chief executive for this matter.

Until this matter is resolved, I have decided that you should not remain in your current workplace, as I hold concerns about [the risk to customers/other employees/financial risk/public interest]. I have considered all possible alternative duties to which you could be assigned in the meantime, including:

* [insert details of possible alternative duties].

[Insert reference as to why the above duties were found not suitable*.*]

I have formed the view that no alternative duties are possible at this time because [state reasons].

Due to this, I have decided to suspend you from duty on normal remuneration, effective from the date you receive this letter.

Your suspension will take effect immediately on your receipt of this letter and will remain in place until [insert end date of suspension – must be either a specific date or period of weeks/months].

During your suspension you are entitled to normal remuneration, less any amount you have earned from alternative employment undertaken during your suspension.

Alternative employment does not include employment you were engaged in at the time of this suspension and which is not in contravention of the Act, Code of Conduct or a directive issued by the Public Sector Commission (PSC).

Any deduction for alternative employment will not exceed your normal remuneration. You are required to advise your contact officer if you engage in any alternative employment during your period of suspension.

[**Option three** – use this content when considering unpaid suspension for an employee suspended under section 101(1)(a). ]

[Include reasons why unpaid suspension is proposed. For example where there are factors not within the control of the agency including the existence of external factors such as criminal proceedings.]

I am considering suspending you without remuneration.

I invite you to show cause as to why you should not be suspended from duty without remuneration.

Your response should provide any information or explanation that you believe could be relevant and that I should consider.

I will not make a decision about suspension without remuneration until you have the opportunity to respond.

You are required to provide your response marked private and confidential to me within seven days from the date of receipt of this letter.

If no response is received within this time, I will make a decision about your suspension without remuneration under section 101(4) of the Act, based on the material I currently have.

[Include any lawful directions issued] You are directed to immediately return all equipment and materials belonging to [insert name of work unit/branch/department] to [insert name of manager/contact officer and contact details]. [Specify how this is to occur e.g. a meeting to be arranged].

During your suspension you are directed to not return to the [work unit/branch/department] or any other departmental site without obtaining permission from [insert manager or contact officer contact details].

To assist in protecting the integrity of this process, you are directed to not discuss this matter with your work colleagues or any person likely to have information relevant to the allegation[s] against you, other than your union, legal representative or support person.

If, however, to assist you in your response, you wish to approach particular colleagues, please discuss this with your contact officer to determine appropriate arrangements. You are further reminded that your obligations under the Code of Conduct continue to apply throughout and following the conclusion of this process.

**[Use this content for matters that have not been assessed as corrupt and subject to oversight by the Crime and Corruption Commission]**

Most suspensions conclude promptly, however there will sometimes be factors that may lead to an extended period of suspension from duty. Your suspension will be reviewed by [entity name] regularly in accordance with the requirements of clause 11 of the Suspensions directive to determine whether it should continue.

Under clause 12 of the directive you may also have the right to seek a review of a procedural aspect of the entity’s handling of your suspension by the Public Sector Commission (Commission). I have included information regarding your options to seek a review from the Commission as an attachment to this letter.

**[Correspondence must include an assessment of human rights]**

I acknowledge that my decision to suspend you on duty on normal remuneration and the lawful directions issued to you may potentially limit your human rights under the *Human Rights Act 2019*, including [include each human right that is potentially limited e.g. right to take part in public life, right to privacy and reputation or right to freedom of movement].

I am of the view that any limitation of your human rights is justified [include rationale and what was considered, including risks and how this outweighs the potential impact on the employee’s human rights].

I have asked [name], [position] to act as a contact officer for you in this matter. [He/she/they] can be contacted by email at [email address] or by telephone on (07) [telephone].

As previously advised, the [insert name of entity’s employee assistance service] is available to departmental employees. The service is a confidential counselling and support service and is available on [insert telephone number]. You may also wish to seek advice and assistance from your union.

If you have any questions about the contents of this letter please do not hesitate to contact [insert name of contact] on telephone number xxx.

Yours sincerely

Decision maker

[Address]

Attachments

Attachment 1 – Public Sector Commission Suspension process review

Attachment 2 – Suspensions directive

Attachment 3 – Section 101 *Public Sector Act 2022*

**Attachment 1 – Suspension process review (must be attached with a copy of the Suspension directive plus s101 *Public Sector Act 2022*)**

In certain circumstances, you may request a review of this matter by the Commission. Your right to request this review is outlined in clause 12 of the Suspensions directive as follows:

* 1. This section applies to matters involving a public sector employee’s work performance or personal conduct, other than corrupt conduct matters.
	2. A suspended employee, or their industrial representative, may ask the Commission to conduct a review of a suspension procedural aspect of the entity’s handling of a work performance matter, provided:
1. the suspended employee reasonably believes the chief executive has not complied with this directive
2. the suspended employee has utilised internal review procedures under the directive on individual employee grievances
3. having utilised the procedures at clause 12.2(b) the suspended employee is dissatisfied with a decision made following the internal review, and
4. a decision has not been made for the work performance matter that the suspended employee may appeal under chapter 3, part 10 of the Act.
	1. The suspended employee must request the review in writing, unless circumstances exist where an employee requires reasonable adjustments to make the request in another way.
	2. The request under clause 12.3 must address the eligibility for review under clause 12.2 and include:
5. a clear statement of how the employee believes the entity has not complied with this directive, and
6. the action the employee seeks from the review.
	1. On receiving the request, the may, but is not required to, conduct a review contemplated in section 124 of the Act, and may but is not required to give the chief executive a report on the review.
	2. The Public Sector Commissioner must provide a written decision to the suspended employee along with reasons for the decision, including when the Commissioner decides not to conduct a review under clause 12.5.

Your review request must follow the process outlined above and be made in writing to employeereview@psc.qld.gov.au