Responding to an Allegation

This ANMF information sheet provides general advice about responding to an allegation and is intended only as a guide. It contains practical advice on how to respond, however the necessary content may change depending on the individual event leading to the allegation being made.

A response may be requested by an employer as part of a local investigation into a grievance or alleged incident or inappropriate workplace conduct. The allegation should be provided to you in writing outlining the issue, what they require and the date by which you have to respond.

The employer may seek a meeting to discuss the matter. Ideally it is best to provide your statement prior to the meeting. It is also useful to use as a reference in a meeting you may have on the matter. You are entitled to take a support person to any meeting and ANMF recommend that you take someone. The support person may be a colleague, family member or union representative. If you would like an ANMF support person at a meeting, please contact the Information Centre (03) 6223 6777 or 1800 001 241 (outside Hobart area) during office hours, or email info@anmftas.org.au.

If the issue is of a more serious nature which has resulted in referral to AHPRA or the Health Complaints Commission, or you believe your response could incriminate you or make you liable (such as an action in negligence), please refer to the ANMF Information Sheet ‘Making a statement’.

Other than a simple incident report, do not provide any response (verbal or written) until you have contacted ANMF Information Centre for advice.

Prior to responding
• If you are responding to a complaint you should be given sufficient information to allow you to clearly respond to the issue that is the subject of the complaint.

• If the complaint involves a patient, then ask for access to relevant documents including the patient's medical and nursing charts. You must be given an opportunity to read the patient's file before making a response if necessary.

• You must be given adequate time to prepare and seek advice on any response you make. You should not refuse to respond, but you should make it clear that you require time to prepare and seek advice about the matter.
• Do not submit your response until it has been reviewed by the ANMF Information Centre.

• Any statement you make could have serious legal, professional or industrial ramifications. This is the case whether you have merely witnessed an incident or were directly involved. It is important that you be aware that anything you write could be used against you.

Claims notification
The ANMF’s professional indemnity insurance operates on a ‘claims made’ basis. Individual members must immediately report to the ANMF any circumstances that may lead to a claim. The ANMF notifies the insurer on your behalf. Failure to notify the ANMF of an incident may lead to a claim being denied by the insurer.

Writing a response
The ANMF will not write a response for you but will review documents forwarded to us and provide comment, advice and assistance.

In order to assist us in providing advice on your response, please include a covering letter (email is preferred) which clearly indicates why you are being required to respond, who by and when it is due to be submitted. Please also include a copy of any documents you have received about the issue being addressed.

1. Your response should be in a letter format (a sample letter is Attached).

2. Your letter should contain relevant information and respond to the issues raised in the originating letter of allegation.

3. Your response should be accurate, precise, concise, clear, legible and unambiguous. You should ensure that you define acronyms; for example, ‘I checked the patient’s blood pressure (BP) at 0800 hours’.

4. Write in the first person that is, what you saw, heard, touched or smelt. For example, ‘I checked the patient's blood pressure at 0800 hours’. It is best to write in full sentences and not in a dot point form.

5. It is important that you do not state your opinion or view on the matter, apportion blame or draw conclusions.

6. Provide relevant details related to the allegation like for example:
   • how many patients were allocated to you on the day of the incident;
   • were you in charge;
   • were you assigned the patient who is the subject of the allegation and if not, did you provide care to them.

7. Your letter should chronologically state what you can accurately recall about exactly what happened. Try to make your response no more than one to two A4 pages.
8. It is important to only document things you personally witnessed. Your response should be factual and objective. You should not document feelings or assumptions. If you heard someone say or do something, then that can be documented. State only what you saw and interventions you were involved in.

9. If you cannot recall something do not make it up. You can admit that you don’t remember and if necessary ask for access to patient notes if that will help.

10. Do not make assumptions about why things occurred and do not make negative comments about other staff members.

11. Document any changes to your work practices you have made, training or education you have undertaken, or procedure or policy that has been changed as a result of the incident.

ANMF appreciate that this may be a difficult time and encourage employees to access the Employee Assistance Program at their workplace or alternatively support through your GP. This is a free and confidential service provided by employers for employees. It is important that you do not discuss matters regarding the complaint to which you have to respond or the wrongdoing with other people in the workplace.

If you would like to discuss your issue or require further information, please contact the Information Centre (03) 6223 6777 or 1800 001 241 (outside Hobart area) during office hours, or email info@anmftas.org.au
ATTACHMENT 1: SAMPLE LETTER OF RESPONSE

[Insert date]

[Name of person the letter is written to]
[Their title]
[Organisation]
[Address]

Dear [Insert name (best to use formal title i.e. Dear Ms Blogs)]

Re: [Insert title of issue]

I am writing regarding the allegation made against me in the letter/email [delete whichever is not relevant] dated [Insert date]

In your letter/email [delete whichever is not relevant] you allege that I [insert a sentence that describes what is being alleged]

[Insert a paragraph which provides details of what you recall regarding the issue]

[Insert further paragraphs as required]

Yours sincerely

[Insert your full name in bold font]
[Insert your title]