

# A PRACTICAL GUIDE TO EXECUTING YOUR INVESTIGATION PLAN

This guide is intended to assist the Procurement Agency as they execute actions and activities as per the investigation plan.

**1** Determine who needs to be notified of the commencement of the investigation? This is to apply procedural fairness as outlined in ESM / EST SOP

- Procuring Agency
- Subject of the investigation
  - If subject of the investigation is a subcontractor on a BPP project, then the principal contractor needs to be notified as well
- Regulator

**2** Prepare formal communications in the form of a letter notifying appropriate parties of the commencement of the investigation. The communication of this needs to include:

- when the allegations were received
- what the allegations are, what evidence is received
- what the allegations relate to QPP, ESM etc
- refer to contractual commitments and how the subject of the investigation is bound by those commitments (deed poll, subcontract and dates etc);
- outline process of investigations and how this impacts the subject of investigation; refer to ESM guidelines or SOP, and next steps or actions for subject of investigation.

**3** The notice of investigation can include a request for information (RFI)

**4** Establish clear questions as part of the RFI for the subject of the investigation – questions assist in analysing suppliers' behaviours that led to the alleged breaches. This further helps consider if supplier is negligent, deliberate and repetitive in actions.

5

If required – request additional evidence and be specific

- Example: ‘Copy of payslips for John Citizen for the following dates: Copy of timesheets for John Citizen for specific dates; Copy of employment agreement for XX; Copy of Enterprise Agreement XX, Proof of corrective action relating to underpayment of.... ‘

6

Response date needs to be included in the communication and how can a response be submitted

7

Set a reminder or alert for the deadline for the RFI

8

Monitor response to RFI or communication issued and be mindful of response dates

- Failure to respond by subject of the investigation needs to be included as part of the investigation

9

Review response received and evidence provided by the subject of investigation

- If unclear of information and evidence received follow the same process – only when applicable

10

Establish if investigation will continue with issue of Show Cause Notice

- Important: Show Cause Notice – is not the same as issue of Show Cause Notice under contract management or termination of contract
- Show Cause Notice allows the subject of investigation to provide a formal response to the allegations. This is an opportunity to provide a response outside of current information and evidence received, this is not a process to resubmit the same evidence again.
- Show Cause Notice – template published in ESM guidance documents can be used

11

Review Show Cause Notice response and assess any new evidence provided