

## CHECKLIST:

### Unknown or anonymous complainant

- Do not proceed with a formal misconduct investigation unless the allegations are sufficiently clear and specific to be understood by the respondent;
- If your complainant elects to remain anonymous and their complaint meets the criteria to be considered a whistleblower complaint in accordance with applicable legislation special requirements apply when managing the identity of the complainant. Penalties apply for a failure to apply the legislation and those requirements correctly. Check Chapter 1, page 16.
- Explain to the respondent that the organisation has decided to investigate the allegations, even though the complainant is anonymous/unknown, but this does not change the respondent's (or the other participants') obligations of confidentiality with respect to the matter;
- Tell the respondent that you understand it is frustrating not to know who made the complaint, but it is better not to speculate about who it is;
- Explicitly direct the respondent not to try to find out from other employees who made the complaint (even though this should follow from the direction to maintain confidentiality about the investigation and the matters involved in the complaint);
- Tell the respondent you believe that the allegations are clear enough to be understood, without the complainant's identity;
- Describe your decision about anonymity in the report and note that you believe that procedural fairness was afforded to the respondent, even though the complainant's identity was not known; and
- When analysing the evidence in your report, discuss what impact the anonymity may have had on the evidence collected.