

Guide for Drafting a Complaint – A Guide for Complainants

An investigation involves making findings about whether alleged actions occurred or not.

It is important that allegations are formulated in a way that allows findings of fact to be made in an investigation.

If the allegations are clear, simply stated, and specific, the investigator will be able to understand your concerns and make findings about whether or not the alleged actions did occur.

Drafting Allegations

In order for the investigator to make findings of fact, the written allegations need to be:

- **accurate** (the information that you provide is correct)
- **specific** (sufficiently detailed) and
- **complete** (all the alleged events are listed - in chronological order if possible)

Keep the allegations **brief**. Your evidence in support of the allegations can be obtained later.

Express yourself **clearly and simply**. Don't use dramatic language.

Focus on the **specific actions** that you believe someone has done. Avoid general criticisms.

If you have allegations against more than one person, set these out in **separate statements**.

Content of Complaint

If you believe that someone has done more than one thing concerning you, explain each of these matters separately. In order to provide a complete and accurate list of the alleged events, for each individual alleged event, write specifically:

- what you say happened to you,
- when you say it happened,
- where you say it happened,
- how you say it happened, and
- whom you say acted – or failed to act – in relation to you.

Generally speaking, information about witnesses and documentation does not need to part of the allegation. This information is usually part of all the evidence that may be provided to the investigator when they are investigating the allegations that you have made.

Who was present may be relevant to the actual allegation (e.g., that you allege that you criticised in front of others at your workplace). If this is the case, then reference to who was present should be part of the allegation itself (per example below).

Allegations should **not** include statements of emotional reaction. This is because it is not part of the investigator's role to make findings of what your emotional response was.

An Example of an Allegation

1. *On July 23rd, in the morning team meeting, Mr Smit, Ms X's manager, raised his voice and shouted to Ms X, in front of 6 other people, "I'm not going to repeat this again. Are you completely stupid?". When he left the room, he slammed the door loudly.*
2. *On July 24th, Mr Smit walked past Ms X without acknowledging her.*
3. *That afternoon at 2pm, Mr Smit sent Ms X an email saying: "Make sure you complete the report and have it on my desk by 4pm. I won't ask again". He did not address Ms X by name, nor did he sign off the email, nor did he put please, and he had not provided Ms X with the deadline prior to that time.*

These statements are capable of being 'proven' or 'not proven' (or partly proven) by the investigator (on the balance of probabilities).

On the other hand, a statement such as: *"Mr Smit behaves in a completely unacceptable way. He is very rude, and no-one has any respect for him. I am really intimidated and stressed"* is too general to be tested factually. This is because it lacks specific detail to support the general allegation made of "rudeness" or "unacceptable behaviour". In effect, such a general statement about Mr Smit is one of personal opinion only.

With regard to detail that you cannot **accurately** recall, you may wish to clarify what level of detail you can recall. It may be, for example, that you can recall a time frame or period – *"on or around July 23rd", or "in the week of July 23rd",* rather than a day.

If you are not sure of the exact words that were used in relation to an allegation, you may wish to state, for example, *"Mr Smit called me stupid and said words to the effect that he had to repeat things for me"*.

Try to avoid allegations with the word, "always", "occasionally", "frequently". State how often you are alleging that an action occurs, as part of the allegation, e.g. *"Three to four times a week, over the period from December 2016 to March 2017"*.

Once the investigation process begins, the investigator will make findings about only those alleged events which have been set out in writing. The investigation process will be more efficient if the allegations that you provide are **all** of the matters that you say have happened.