

Notification of Outcomes

Chapter 4

4.0.0.1 Introduction

1. Throughout the complaints process, and especially when it is complete, it is important to keep all parties informed of what is happening, and what actions have been taken. The information provided in the notification of outcomes should be tailored and meaningful so each of the parties understands the outcomes, and why they were reached. The notification of outcomes should be consistent with and underpinned by applicable law and policy, for all parties.
2. Meaningful notification of outcomes enables all parties to understand how the complaint has been addressed, supports transparency, and builds trust in the complaint management process, the chain of command/line management and Defence.
3. Through Defence-wide privacy policy and individual privacy notices, all parties involved in complaints can reasonably expect some of their personal information to be disclosed for the purpose of resolving the complaint. However, commanders and managers are to be aware of when it is lawful to disclose personal information, and how to mitigate the risk of further disclosure.

4.0.0.2 Purpose

1. This Chapter outlines who is to be notified of information during the complaint process and after the complaint process has been concluded; what information is to be provided, and how that information is to be provided.

4.0.0.3 Scope

1. This Chapter will assist commanders and managers in providing consistent and meaningful notification of the outcome of the complaint process to people involved.
2. This Chapter does not address notification for Joint Military Police Unit processes.

4.0.0.4 Contents

1. This Chapter contains the following Parts and Annexures:
[Part 1: Who is to be notified and what information should they be provided](#)
[Part 2: How notification is to be provided](#)
[Annex 4A: What information should usually be notified?](#)

4.0.0.5 Application

1. This Chapter applies to:
 - a. Defence members;
 - b. Person/s engaged under a contract who, under the conditions of their contract with Defence, are required to comply with this Chapter; and
 - c. Foreign military members serving with the ADF, subject to their nature of service.

4.0.0.6 Relevance to Complaints and Alternative Resolutions Manual

1. This Chapter must be read in conjunction with the other relevant chapters of the Complaints and Alternative Resolutions Manual ([CARM](#)), and the factsheet: ['Providing Information to Complainants, Respondents and Impacted Personnel'](#).

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4.0.0.7 Sponsor and point of contact

1. This Chapter's sponsor is the Directorate of Military Administrative and Discipline Law.
2. The point of contact is the Director of Military Administrative and Discipline Law (dl.madlaw@defence.gov.au).

4.0.0.8 Related Policies and Legislation

1. [Administrative Inquiries Manual](#) (AIM)
2. [Complaints and Alternative Resolutions Manual](#) (CARM)
3. [Defence Force Discipline \(Disciplinary Infringement Records\) Rules 2022 \(Rules\)](#)
4. [Defence Privacy Policy](#)
5. [Defence \(Inquiry\) Regulations 2018 \(Regulations\)](#)
6. [Good Administrative Decision-Making Manual](#) (GADMMAN)
7. [Joint Directive 41/2015 – Changes to Inquiry Processes and Incident Recording in Defence](#)
8. [Military Personnel Policy Manual](#) (MILPERSMAN)
9. [Defence Privacy Policy](#)
10. [Privacy Act 1988](#)
11. [Public Interest Disclosure Act 2013](#)

4.0.0.9 Relevant Webpages

1. [Administrative Inquiries Hub](#)
2. [Complaints and Resolution webpage](#)
3. [Defence Privacy webpage](#)
3. [People Connect Support and Incident Reporting - Personal Information Requests](#)
4. [CDF Directives](#)

Who is to be notified and what information should they be provided

Chapter 4 Part 1

4.1.0.1 Purpose

1. This Part provides information and principles for commanders and managers on who must be notified, and what types of information to provide, about the outcomes of a complaint. The information applies to all types of complaints.
2. Part 2 and Annex A provide practical information about applying the principles in individual cases.

4.1.0.2 Contents

1. This Part contains the following information
 - [4.1.0.3 Introduction](#)
 - [4.1.0.4 Notification to complainants](#)
 - [4.1.0.5 Notification to respondents](#)
 - [4.1.0.6 Notification to other persons](#)
 - [4.1.0.7 Public disclosure](#)
 - [4.1.0.8 Special requirements for disciplinary outcomes](#)
 - [4.1.0.9 Special requirements for administrative inquiry outcomes](#)

4.1.0.3 Introduction

1. In principle, the outcomes of a complaint, including relevant aspects of how the complaint was managed and a person's review rights, are always to be promptly notified to complainants and respondents. The information provided to complainants and respondents must be substantive and meaningful to enable them to understand what happened, what the decision-maker is doing to address what happened, and what action is being taken, or is proposed, to prevent a recurrence.
2. Other affected persons, such as witnesses, should be provided contextualised general information about the outcome of the complaint.
3. Meaningful notification of the outcome of a complaint facilitates:
 - a. Individual closure for complainants, respondents and other affected persons. Closure enables personnel to continue with their careers and contribute to the Defence mission.
 - b. Broader understanding of what Defence is doing to prevent recurrence of the issue, particularly where there is improvement of policy, procedures or training.
 - c. Transparency and trust in Defence culture, for affected persons and for the broader community.
4. The type and amount of information that is notified to each person will vary depending on who is being notified, and what is reasonably expected by the person whose information it is. These limits are set out in Australian law. For example, there are strict legal limits on when and to whom sensitive personal information, including health information, can be disclosed. Health information or other sensitive personal information will never be notified to another person without the consent of the person whose information it is, unless required or authorised by law.

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5. There are also limits on disclosure to the public, through the media, based on what is reasonably expected by the person whose information it is. Disclosure of personal information to the public relating to outcomes should be responsive, not proactive, and be the minimum necessary to ensure that public confidence in Defence is maintained. Personal information is not to be unreasonably disclosed to the public.
6. Defence personnel are to be made aware how their personal information, as it relates to a complaint process, will be used and disclosed through a [Privacy Notice](#).
 - a. Defence policy, processes, training and guidance documents will support the expectation that outcomes of incident management will usually be provided to complainants, respondents and other persons affected by the incident, including that personal information may be disclosed. **See:** Part 5 of the [Defence Privacy Policy](#).
 - b. As part of the management of the specific incident, personnel are to be reminded of Defence notification policy, including as set out in this Chapter. This is usually achieved by giving the person a [Privacy Notice](#) that informs them of how their personal information may be used by Defence and disclosed to others.
 - c. What personal information a person reasonably expects to be disclosed in a particular case should be assessed objectively, including with reference to the Privacy Notice given when the information was collected. Information is only to be provided if it is reasonably necessary to enable affected persons to understand what happened, what was done to address the incident, and, where relevant, what is being done to prevent a recurrence.
7. When Defence discloses personal information, appropriate steps are to be taken to mitigate the risk of inappropriate further disclosure of that information. For Defence personnel, command/line management and managers can issue a direction to the recipient restricting further disclosure. The purpose of this limitation is to make sure that the recipient of information about someone else uses that information consistently with the other person's continued privacy, and at the same time ensures that the recipient can receive meaningful information about the complaint outcome.
8. When affected persons are not Defence personnel, the same principles regarding notification of outcomes apply as if they were Defence personnel. However, as non-Defence personnel cannot be given directions about further use or disclosure of someone else's personal information that they receive during notification, commanders and managers should consider the risk to the original person's continued privacy if disclosure of detailed personal information is given. They are to review the privacy notice given to the original person as it relates to disclosure outside Defence, and consider what is reasonable. It may be possible to de-identify some information, for example, identifying information about Defence witnesses, and still provide meaningful notification of outcomes.
9. Paragraphs 4.1.0.4 to 4.1.0.7 below focus on the information provided to specific persons involved in complaints, inside and outside Defence. Paragraphs 4.1.0.8 to 4.1.0.9 provide guidance on special rules that apply to disciplinary proceedings and administrative inquiry information.

4.1.0.4 Notification to complainants

1. The complainant's receipt of substantive and meaningful information about their complaint and its outcome is linked to their safety and well-being in the workplace. Often their concern is also for the safety of others who may be subject to similar conduct.
2. The complainant is to be notified of the specific findings and action taken in relation to the outcome of their complaint, unless there is a legal reason not to. Where a legal reason exists not to inform a complainant of specific findings and actions in relation to their complaint, the complainant should be advised of that legal reason. For example, a legal reason not to disclose a specific action may be that it would require disclosure of someone else's health information, such as a referral for medical review.
3. To provide substantive and meaningful information to a complainant, complainants are usually to be informed of:

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- a. Timeframes on how the complaint will be handled, including when and how updates will be provided,

Example: *I have appointed a Fact Finding Officer to look at your complaint and give me information about what has happened so that I can decide what needs to be done. I have asked them to report back to me in four weeks time. If anything changes in the interim, I will let you know. Otherwise you can expect to hear from me in four weeks with an update on your complaint. Please continue to seek assistance as you need from [person's name], as your support person during this process. You can raise concerns with me at any time.*

- b. the findings in relation to the complaint,
- c. any action that was taken against an individual as a result of the findings. This should include the type of action that was taken, for example, that a formal warning was imposed, or the respondent was counselled; and
- d. any immediate action or recommendation to another authority that was taken to improve policy, process or training as a result of the complaint.

(See: CARM Chapter 4 Annex A, What information should usually be notified?).

4. If a commander or manager has a recommendation to change policy, procedure or training that is broader than the unit, they should make the recommendation to the relevant authority. The authority or policy area that receive the recommendation should inform the referring unit of the outcome so that commanders and managers can update affected personnel.
5. Complainants are not to be provided personal information about a respondent or other people that is not related to their complaint. This may arise when a respondent provides background information about their health or family situation to explain why they have behaved in a particular way. Another example would be when action has been taken against a respondent in relation to more than one issue; each complainant may receive information about the outcome of their own complaint, and the nature of the final action taken, but not personal information about other complaints.

Example: *After considering relevant information including your complaint and also other matters, I have decided to issue [the respondent] with a censure. An important reason for my decision was the personal information provided in the member's response to the proposed action. While the detail of that information cannot be provided to you for privacy reasons, I assure you that it did not change my findings that they engaged in unacceptable behaviour towards you. I carefully considered their response against their demonstrated unacceptable behaviour, before deciding on the censure.*

6. Complainants must not disclose any personal information about someone else provided to them as part of a notification, except to a support person, or a health or legal practitioner. They can be given a direction about further use and disclosure: see 4.1.0.3.8.

Example: *In giving you this notification, I have told you personal information about other people. Defence is required to take reasonable steps to continue to protect other people's privacy. You must not use or disclose the personal information about other people contained in this notification for other purposes, except to tell it to a health or legal practitioner, or a support person, in order to obtain support and advice. You can also disclose the outcome of the complaint to the Department of Veterans' Affairs for a specific claim or entitlement related to your complaint. If you or your legal advisor want to use other people's personal information included in my letter to you for any other purpose, you may make a request through the Freedom of Information (FOI) scheme. My direction does not limit how you can use or disclose your own personal information about your complaint.*

7. If the findings or outcomes of the original complaint process are subsequently set aside on review, commanders and managers are to seek legal advice about how to advise the complainant of the new outcome.

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4.1.0.5 Notification to respondents

1. The respondent's receipt of substantive and meaningful information is linked to their right to be heard before adverse findings about them are made, and to their own wellbeing through the fair resolution of the complaint about them.
2. Respondents are usually to be informed of:
 - a. the nature of the complaint against them, including: the nature of the alleged conduct; when and where alleged conduct took place; who has made the complaint (unless there are safety or legal reasons, such as public interest disclosure protections, not to identify the complainant); and what witnesses have said that is relevant to the allegation (including their name unless there are safety or legal reasons not to), so that they can respond, and
 - b. how the complaint was recorded, and
 - c. the findings and recommendations in relation to any allegations against them, after they have had an opportunity to respond, and
 - d. whether findings and recommendations about them have been accepted by the commander/manager, and
 - e. when the matter has been finalised and what their rights of review / appeal are.
2. Respondents are not to be notified of personal information about a complainant or other people that is not relevant to the complaint made about them. This may arise where a complainant or a witness has raised concerns about more than one person, or where a complainant includes personal or family information to explain why an incident was traumatic for them.
3. Respondents must not disclose any personal information about someone else provided to them as a part of a procedural fairness process or an outcome notification, except to a support person, or a health or legal practitioner. They can be given a direction about further use and disclosure: see 4.1.0.3.8.

4.1.0.6 Notification to other persons

1. **Witnesses.** A witness who provided evidence to a fact finding or inquiry about a complaint is also to be informed of any findings relevant to the part of the matter that they provided evidence about. An example of information which would not be relevant to notify a witness would be an additional incident that they did not witness, or the names of people involved, if the witness did not identify them by name. Examples of information that would usually be relevant include:

- a. whether the conduct they witnessed was found to be unacceptable behaviour.
- b. the type of final action taken against the person who has been found to have engaged in the unacceptable behaviour they witnessed, for example, that the member was counselled or received an administrative sanction.

Example: *I considered the evidence you provided relating to [incident] as part of an administrative decision-making process against [the respondent, when the witness identified the respondent in their evidence]. That process has now been completed. After considering all relevant information, I decided that the behaviour you witnessed was unacceptable and that administrative action should be taken. Thank you for providing information that helped me take action to stop unacceptable behaviour in our unit.*

2. The notification of outcomes is to be sufficient to give the witness confidence that the chain of command/line management is taking appropriate action to deal with the relevant conduct. What is reasonably required is to be assessed objectively, and is only to be provided if it is reasonably necessary to enable the person to understand what happened, what was done to address the incident, and what is being done to prevent a recurrence.
3. **Others.** Personal information must not be provided to a person merely because they ask or wish to know.

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4. The immediate work area/team/section of a complainant, respondent and witnesses can be provided with contextualised general information about the complaint, and that the complaint is being resolved (**See:** CARM Chapter 4 Annex A, What information should usually be notified?).
5. If the findings or outcomes of the original complaint process are subsequently set aside in a later review, commanders and managers are to seek legal advice prior to advising any witnesses or others of the new outcome.

4.1.0.7 Public Disclosure

1. Disclosure of complaint outcomes to the public may be necessary to maintain public confidence in the military justice system. However, the level of information provided will be much less, and much less detailed, than that notified to impacted individuals. For example, the following types of information may be disclosed outside Defence:
 - a. that a person has been suspended from duty pending resolution of a complaint
 - b. that a person is either no longer a serving member or has returned to duties after the resolution of a complaint.

Example: (In response to a media inquiry naming the respondent) *Defence has received a complaint about a current ADF member who is alleged to have engaged in unacceptable behaviour. The member has been suspended from duty pending the resolution of this complaint. Defence is currently taking steps to establish what has happened and what action needs to be considered next.*

4. Sensitive personal information must never be disclosed publicly without the consent of the person, unless required or authorised by law. In case of doubt, seek legal advice.
5. Any disclosure to the public must be respectful of the privacy of affected persons and limited to the minimum information reasonable and necessary. All disclosures to the media must have the appropriate internal authorisation (**See:** [Defence Media and Communication Policy](#)). Further information can be obtained from Defence media at media@defence.gov.au.

4.1.0.8 Special requirements for disciplinary outcomes

1. Outcomes of a court martial or Defence Force Magistrate (DFM) trial that are public may be published, unless the court martial or DFM makes a non-publication order, or an order that all or part of proceedings are closed. Publication of outcomes is managed by the Office of the Judge Advocate General. Notification of outcomes to complainants is managed by the Office of the Director of Military Prosecutions.
2. Summary authority proceedings are not public. Notification of outcomes to complainants, witnesses and others should be consistent with the general principles in this chapter.
3. Use and disclosure of a Disciplinary Infringement Record (DI Record) is governed by the Defence Force Discipline (Disciplinary Infringement Records) Rules 2022 (Rules). Infringement information can only be accessed and used for specific purposes in accordance with the Rules. Complainants and witnesses cannot be informed of the outcomes of infringements, but they may be informed that the action taken was to refer a matter to an Infringement Officer for consideration. Legal advice should be sought on the application of the Rules if in doubt.

4.1.0.9 Special requirements for administrative inquiry outcomes

1. If a complaint has been or is being inquired into under the Defence (Inquiry) Regulations 2018, then there are additional policy and legal restrictions on the use and disclosure of inquiry information and records. In general, Defence personnel can only use or disclose administrative inquiry records in the course of their duties.
2. Chapter 4 of the Administrative Inquiries Manual ([AIM](#)) provides further information on notifying affected persons and inquiry participants of inquiry outcomes. The [Administrative Inquiries Hub](#) also includes guidance titled 'Disclosure of inquiry material' in the performance of duties.'

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3. There are no special legal regulations for the notification of administrative fact finding, and the general principles in this chapter apply. Further guidance is in the Good Administrative Decision-Making Manual ([GADMMAN](#)).

How Notification is to be Provided

Chapter 4 Part 2

4.2.0.1 Purpose

1. This Part provides practical information to commanders and managers about how to notify complainants, respondents and other parties of the outcomes of a complaint.

4.2.0.2 Contents

1. This Part contains the following information
 - [4.2.0.3 Notification of the collection of personal information](#)
 - [4.2.0.4 Deciding what information to provide in each case](#)
 - [4.2.0.5 Who provides notification of outcomes](#)
 - [4.2.0.6 How notification of outcomes will be provided](#)
 - [4.2.0.7 Providing copies of documents](#)

4.2.0.3 Notification of the collection of personal information

1. The process of notifying outcomes of complaints begins at the time Defence collects information about the complaint from the complainant, witnesses and respondent(s). Defence needs to take reasonable steps to notify people why their information is being collected, what it will be used for, and who they can expect will be told about their information or the outcomes of the proceeding. **See:** [Defence Privacy Policy](#).
2. Defence usually meets this requirement by giving the person a Privacy Notice. A Privacy Notice must refer to the [Defence Privacy Policy](#) or Part 1, Chapter 4 of [MILPERSMAN](#), which outline the reason(s) why Defence collects personal information.
3. The Privacy Notice helps establish how people will reasonably expect their information to be used, without them needing to give further consent.
4. A template privacy notice for administrative action titled 'Information for Witnesses before IOIs' is located on the [Administrative Inquiries Hub](#), while a template privacy notice for fact-finding titled 'Example Notice to ADF and APS Witnesses' is on the [GADMMAN](#) Hub. Guidance on notification is also contained in [Defence Privacy Policy](#).

4.2.0.4 Deciding what information to provide in each case

1. This chapter and Annex A set general principles for the type of outcome information that is usually to be notified to persons impacted by a complaints process. However, an assessment of information is still required on a case by case basis.
2. When drafting a notification of outcomes in each case, commanders and managers are to consider:
 - a. what information is personal information, and
 - b. whose personal information it is, and
 - c. what did Defence tell that person about how their information would be used or disclosed in the individual Privacy Notice given to them, and through the [Defence Privacy Policy](#).

4.2.0.5 Who provides notification of outcomes

1. Notification of outcomes to complainants, respondents and other parties should be provided by the commander or manager of the person, or by a member of the Command/line management team executive, for example the Executive Officer.

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- a. In circumstances where the parties are posted across multiple Command/line management teams, the commander or manager who is managing the complaint is to identify who the appropriate person is to conduct the notification.
 - b. In circumstances where notification is to a person outside Defence, the relevant commander or manager is to identify who the appropriate person is to conduct the notification. Every circumstance must be considered on its own when selecting who the appropriate person is to conduct the notification.
2. Defence media, or Service HQ, are responsible for any information provided to the media or public.

4.2.0.6 How notification of outcomes will be provided

1. Being involved in any complaint can be stressful for all parties involved. It is important that the notification of outcomes is conducted promptly and in a trauma-informed and person-centered way. The trauma-informed and person-centered approach used in Defence employs the principles of safety, trust, choice, collaboration, and empowerment. Before providing the notification, the person notifying should review trauma-informed principles set out in the [Fact Sheet for Commanders and Managers on Sexual Misconduct Incident Response and Wellbeing](#) and in Chapter 9 of this Manual, and tailor how they deliver notification to individual people.
2. For complainants, respondents, and people in the immediate work area affected by the matter, verbal notification is the preferred method of providing outcomes. This is so the person conducting the notification can monitor the reaction of the person being notified, to ensure they receive support as necessary. However, the recipient may request to be notified by another means with which they feel more comfortable.
3. Verbal notification is to be followed by written confirmation. All written records must be retained pursuant to Defence policy.
4. If a verbal notification (whether face to face, by telephone or by other online means) is not possible, notification will be provided via email or written correspondence. Written records must be retained pursuant to Defence policy.

4.2.0.7 Providing copies of documents

1. A person who is notified of information in accordance with this Chapter might ask for copies of documents related to management of the complaint, such as a fact finding report. Commanders and managers may also consider it appropriate to provide copies of documents without waiting for a request. In both cases, the principles in Part 1 apply equally to the provision of personal information in existing documents as they do when notification correspondence is drafted.
2. If a person requests copies of documents of existing documents, it may be necessary to redact them to ensure that the personal information of others is not disclosed, when there is no lawful basis to do so. For example, a fact finding report may address two complaints about the same person. Each complainant should receive notification of the outcome of their own complaint, but information about the other person's complaint should be redacted because it is not relevant. In a different example, a fact finding record could include a person's health information, collected with their consent; health information must always be redacted if a copy of the document is being given to someone else. Usually, copies of other people's statements or records of conversation in an administrative inquiry or fact finding are not provided.
3. When information in a document is redacted, the recipient should be informed why the information has been redacted. An [FOI Redaction Tool](#) and further information is available on the [Associate Secretary's Freedom of Information](#) webpage.
4. It is recommended to seek legal advice on releasing and redacting documents prior to providing documents to a person as part of outcome notification.

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What Information Should Usually be Notified?

4.0.0A.1: Complainant – Specific Information	
<p>What you can usually expect to be told</p> <p><i>Note: in some circumstances, there may be legal or other reasons why you cannot be told certain information. This should be the exception to common practice.</i></p>	<ul style="list-style-type: none"> • Timeframes on how your complaint will be handled, including when and how you will receive updates • Any interim actions following your complaint, including: <ul style="list-style-type: none"> ○ That a person has been suspended from duty pending resolution of the complaint ○ That other interim command action has been taken against the respondent (the person you have complained about) ○ Other interim actions taken by command/management (including incident reporting) • That a Fact Finding (FF) or Administrative Inquiry (AI) process has commenced • That a FF or AI has been finalised • The FF or AI findings and recommendations, including: <ul style="list-style-type: none"> ○ Names of relevant witnesses to your complaint, unless there is a legal or safety reason not to tell you a person's name. This notification might not include all witnesses who were interviewed. ○ If your complaint / incident was 'substantiated' or 'not substantiated' and a summary of the reasons why • Whether the FF and/or AI findings and recommendations have been accepted by command/management • Where your complaint is fully or partially substantiated, the actions taken including: <ul style="list-style-type: none"> ○ What action has been taken regarding the respondent, including the type of action. ○ What other action, if any, Defence is taking regarding policy and procedure. ○ What your rights of review or further complaint are, if you are not satisfied with the outcome • When your complaint has been finalised <p><u>For Disciplinary Matters Except Disciplinary Infringements:</u></p> <ul style="list-style-type: none"> • The disclosure of disciplinary outcomes to you depends on at which level the action was taken. • You can be informed of the nature of any charges, conviction and sentence for courts martial, Defence Force Magistrate (DFM) and summary proceedings, arising from your complaint, unless there is a non-publication order. You will not be notified until automatic review processes have been completed. <p><u>For the Disciplinary Infringement Scheme</u></p> <ul style="list-style-type: none"> • In relation to matters classified as disciplinary infringements, you can be told that the matter was referred to an Infringement Officer under the Disciplinary Infringement Scheme.
<p>What you will not be told</p>	<ul style="list-style-type: none"> • Health information about anyone else, unless they agree • The fact that someone else received a 'procedural fairness' notice about a proposed finding, recommendation, outcome or action (but you will usually be told the final outcome, as above).

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	<ul style="list-style-type: none"> • Personal information arising in the FF or AI process that is not relevant to your complaint, including previous conduct by the person you have complained about or complaints that other people have made • Information that cannot be provided to you for legal reasons e.g. because it was provided in an expectation of confidentiality. • If you receive copies of documents, you will usually not receive copies of other people's statements or records of conversation in an FF or AI <p><u>For Disciplinary Matters except for Disciplinary Infringements</u></p> <ul style="list-style-type: none"> • In the case of a court martial or DFM you will not be told details of the matter if it is subject to a non-publication order <p><u>For the Disciplinary Infringement Scheme:</u></p> <ul style="list-style-type: none"> • You cannot legally be told about someone else's infringement or punishment. However, you can be told that the matter was referred to an Infringement Officer under the Disciplinary Infringement Scheme.
Who will usually tell you	<ul style="list-style-type: none"> • Your commander or manager, or a member of your command team executive (i.e. CO, XO or Senior Enlisted Member)
How you will be told	<ul style="list-style-type: none"> • The preferred method for debriefing is a face to face meeting, with confirmation in writing, unless you express a choice to be notified another way.

4.0.0.A.2: Respondent	
<p>What you can usually expect to be told</p> <p><i>Note: in some circumstances, there may be legal or other reasons why you cannot be told certain information. This should be the exception to common practice.</i></p>	<ul style="list-style-type: none"> • Details of the alleged incident / complaint including <ul style="list-style-type: none"> ○ The nature of the complaint against you, specifying the alleged conduct ○ When and where the alleged conduct took place ○ How it was reported ○ The name of the complainant (unless this cannot be provided for legal or safety reasons) ○ Names of relevant witnesses (unless this cannot be provided for legal or safety reasons) ○ Any interim actions taken, including reporting • That a FF or AI process has commenced. • That a FF or AI has been finalised. • During a FF or AI, information that supports any proposed adverse finding or recommendation about you, allowing you the opportunity to respond before the process is completed • On completion of a FF or AI: <ul style="list-style-type: none"> ○ Findings and recommendations that relate to you, and the reasons for them. This includes whether the complaint has been 'substantiated' or 'not substantiated' and a summary of the reasons ○ Whether command has accepted those findings and recommendations • If you are issued with a notice proposing administrative action, then:

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	<ul style="list-style-type: none"> ○ The action/s proposed against you ○ The reasons and evidence for the proposed action • Once a decision has been made, the reasons for the decision and your rights of complaint or review if you are not satisfied • When the complaint about you has been finalised
What you may be told	<ul style="list-style-type: none"> • Details of any outcomes sought by the complainant
What you will not be told	<ul style="list-style-type: none"> • Health information about anyone else, unless they agree • Personal Information given by the complainant or witnesses that is not relevant to the complaint about you • Information that cannot be provided to you for legal reasons e.g. because it is protected under the Public Interest Disclosure (PID) Scheme • If you receive copies of documents, you will usually not receive copies of other people's statements or records of conversation in an FF or AI unless necessary for procedural fairness
Who will usually tell you	<ul style="list-style-type: none"> • Your commander or manager, or a member of your command team executive (i.e. CO, XO or Senior Enlisted Member)
How you will be told	<ul style="list-style-type: none"> • The preferred method for debriefing is a face to face meeting, with confirmation in writing, unless you express a choice to be notified another way.

4.0.0.A.3: Witness	
What you can usually expect to be told	<ul style="list-style-type: none"> • That a FF or AI process is underway. • That a FF or AI has been finalised • Details of the incident / complaint that are relevant to you, including <ul style="list-style-type: none"> ○ Names of the complainant and respondent, unless there is a safety or legal reason not to, e.g. under the Public Interest Disclosure (PID) Scheme. ○ Nature of the complaint, in broad terms, so that you can give your information about it • The FF or AI findings and recommendations relevant to your evidence, including whether the complaint was substantiated or not substantiated • Whether command/management accepted those particular findings and recommendations • The actions taken in response to the substantiated findings relevant to your evidence, including the general nature of action, whether administrative or disciplinary, taken against the respondent • When the complaint has been finalised
What you may be told, depending on the case	<ul style="list-style-type: none"> • Information that is related to your evidence, but not directly relevant, including: <ul style="list-style-type: none"> ○ How and when the complaint was reported ○ Names of other witnesses, unless there is a safety or legal reason not to

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	<ul style="list-style-type: none"> Information about the interim management of others as a result of the complaint, including <ul style="list-style-type: none"> That a person has been suspended from duty pending resolution of an incident That interim command action has imposed on a person Other final actions taken by command/management, including policy or procedure to address identified systemic issues <p><u>For Disciplinary Matters except for Disciplinary Infringements:</u></p> <ul style="list-style-type: none"> Outcomes of Court Martial or DFM proceedings that are de-identified or publicly available, subject to any non-publication order
What you will not be told	<ul style="list-style-type: none"> The outcomes requested by the complainant Health information about anyone else, unless they agree Information that cannot be provided to you for legal reasons e.g. under the Public Interest Disclosure (PID) Scheme <p><u>For the Disciplinary Infringement Scheme:</u></p> <ul style="list-style-type: none"> You cannot legally be told about someone else's infringement or punishment. However, you may be told that the matter was referred to an Infringement Officer under the Disciplinary Infringement Scheme.
Who will tell you	<ul style="list-style-type: none"> Your commander or manager, or a member of your command team executive (i.e. CO, XO or Senior Enlisted Member)
How you will be told	<ul style="list-style-type: none"> The preferred method for debriefing is a face to face meeting, with confirmation in writing, unless you express a choice to be notified another way.

4.0.0.A.4: Immediate Work Area / Team / Section of Complainant / Respondent

Context: The following information may be provided to the immediate work area/team/section of the complainant/respondent to the extent that it affects the safety, wellbeing, morale, discipline or cohesion of the unit / team or immediate workplace and that it is appropriate for them to be informed:

What you can usually expect to be told	<ul style="list-style-type: none"> That a complaint (specify type, for example an 'unacceptable behaviour complaint') has been made and is being managed Interim command decisions that have been made within the immediate work area / team / section, including to move or suspend personnel. That team members are expected to respect the privacy of those involved That a FF or AI process has commenced. That a FF or AI has been finalised FF or AI findings and recommendations that are relevant to the immediate work area / team / section, including <ul style="list-style-type: none"> Whether they have been accepted by command What action command has taken, such as the general nature of action against individuals, whether administrative or disciplinary, or changes to procedures or policies
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	<ul style="list-style-type: none"> When the complaint has been finalised <p><u>For Disciplinary Matters, except for Disciplinary Infringements:</u></p> <ul style="list-style-type: none"> Outcomes of Court Martial/DFM proceedings that are de-identified or publicly available, subject to any non-publication order
What you will not be told	<ul style="list-style-type: none"> Details of the outcomes sought by the complainant Names of witnesses The outcomes requested by the complainant Health information about anyone else, unless they agree Information that cannot be provided to you for legal reasons e.g. under the Public Interest Disclosure (PID) Scheme <p><u>For the Disciplinary Infringement Scheme:</u></p> <ul style="list-style-type: none"> You cannot legally be told about someone else's infringement or punishment. However, you may be told that the matter was referred to an Infringement Officer under the Disciplinary Infringement Scheme.
Who will tell you	<ul style="list-style-type: none"> Your commander or manager, or a member of your command team executive (i.e. CO, XO or Senior Enlisted Member)
How you will be told	<ul style="list-style-type: none"> The preferred method for debriefing is a face to face meeting, otherwise the team will be informed in a common communication.

4.0.0.A.5: Unit / Wider Work Area of Complainant / Respondent Context: The following information may be provided to the unit / wider work area to the extent that it affects the safety, wellbeing, morale, discipline or cohesion of the unit / wider work area and that it is appropriate for them to be informed. This may not be reasonable or necessary for all units or work areas.	
What you can usually expect to be told	<ul style="list-style-type: none"> That a complaint has been made (specify type, for example an 'unacceptable behaviour complaint') and is being managed, when the management of the complaint is likely to have impact on the workplace, or the incident took place in the workplace That team members are expected to respect the privacy of those involved That a person has been suspended from duty pending resolution of an incident Final actions taken by command/management when a complaint has been substantiated, including that appropriate action has been taken against individuals, and actions taken to address identified systemic issues That the matter has been finalised <p><u>For Disciplinary Matters, Except Infringements:</u></p> <ul style="list-style-type: none"> Outcomes of Court Martial or DFM proceedings that are de-identified or publicly available, subject to any non-publication order
What you will not be told	<ul style="list-style-type: none"> Specific details about the complaint, and the people involved

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	<ul style="list-style-type: none">• Information that cannot be provided for legal reasons• Information arising in the FF or AI process that is not relevant to the unit / wider work area of complainant / respondent <p><u>For the Disciplinary Infringement Scheme:</u></p> <ul style="list-style-type: none">• You cannot legally be told about someone else's infringement or punishment. However, you may be told that the matter was referred to the Defence Infringement Scheme
Who will tell you	<ul style="list-style-type: none">• Your commander or manager, or a member of your command team executive (i.e. CO, XO or Senior Enlisted Member)
How you will be told	<ul style="list-style-type: none">• The preferred method is a face to face meeting, otherwise the team will be informed in a common communication
When you will be told	<ul style="list-style-type: none">• Provided specific updates at specified update/outcome points