Breach of standard claim form: Agency to Public Sector Commission

| Breach claim details |
| --- |
| Claimant |  |
| Agency |  |
| Relevant Standard |  |
| Date claim lodged with agency | Date field |
| Person is eligible to lodge a claim | [ ]  Yes [x]  No |
| Claim was made in prescribed lodgement period | [ ]  Yes [ ]  No |
| Document checklist completed and relevant documents attached | [ ]  Yes [ ]  No |

|  |
| --- |
| Claimant contact details |
| Home address  |  |
| Preferred phone number |  |
| Preferred email address  |  |

|  |
| --- |
| Agency nominated officer |
| Name  |  |
| Position |  |
| Work phone |  |
| Email |  |

|  |
| --- |
| **Public Sector Commission (office use only)** |
| Date claim received | Date field | Claim file number |  |
| Outcome |  | Date finalised | Date field |

|  |
| --- |
| Agency chief human resources officer |
| Name |  |
| Position  |  |
| Work phone |  |
| Email  |  |

|  |
| --- |
| Names of officers involved in process (e.g. panel members, investigator) |
| Name |  | Name |  |
| Position |  | Position |  |
| Work phone |  | Work phone |  |
| Work mobile |  | Work mobile |  |
| Email  |  | Email |  |
|  |
| Name |  | Name |  |
| Position |  | Position |  |
| Work phone |  | Work phone |  |
| Work mobile |  | Work mobile |  |
| Email |  | Email |  |

Is the agency willing to participate in conciliation?

[ ]  Yes [ ]  No

# Agency action and documents

| Attempts of agency to resolve claim with claimant |
| --- |
| Note: Under regulation 10 (aa) of [Public Sector Management (Breaches of Public Sector Standards) Regulations 2005](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_s37434.html), agency is to make reasonable attempts to resolve claim with claimant before claim is sent to Commission. |
|  |

| Agency position on claim and reasons to support this |
| --- |
| Example: Does agency consider the process used complied with principles of relevant Standard, or has agency identified areas of concern or possible areas for practice improvement? |
|  |

| List and attach documents supplied to claimant as part of work to resolve claim |
| --- |
| Refer to agency documents checklist on next page for required documents to be provided to Public Sector Commission. |
|  |

# Agency documents checklist

|  |
| --- |
| Employment Standard |
| [ ]  | Completed agency referral of breach of standard claim form |
| [ ]  | Claim from claimant |
| [ ]  | If claim relates to a recruitment process, selection report including appendices, referee reports, conflicts of interest declarations and panel members’ working notes (if available) |
| [ ]  | Letters, documents and emails relevant to claim including claimant’s notification letter (not all Employment Standard decisions are notifiable) |
| [ ]  | Claimant’s job application |
| [ ]  | Position description and advertisement |
| [ ]  | Relevant agency policies and procedures |
| [ ]  | For transfer, acting and secondment, documents relating to decision making including (for transfer only) how interests identified by employee were considered |

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| --- |
| Grievance Standard |
| [ ]  | Completed agency referral of breach of standard claim form |
| [ ]  | Grievance claim from claimant  |
| [ ]  | Agency letter to claimant with its response to grievance |
| [ ]  | Agency grievance report/investigation |
| [ ]  | Letters, documents and emails relevant to claim including claimant’s notification letter |
| [ ]  | Relevant agency policies and procedures |

|  |
| --- |
| Performance Management Standard, Termination Standard, Redeployment Standard |
| [ ]  | Completed agency referral of breach of Standard claim form |
| [ ]  | Claim from claimant |
| [ ]  | Letters, documents and emails relevant to claim |
| [ ]  | Relevant agency policies, procedures and templates |

# Breach of standard claim assessment template

The template below is not mandatory.

## Using this assessment template

### Claimant concerns

Review the breach of Standard claim to identify issues raised in the claim. Document in the template each issue raised.

### Relevant principle

For each issue raised, identify which principle in the relevant standard it relates to. For example, for a recruitment process, does the claim relate to the merit, equity or transparency principle under the Employment Standard?

### Information considered

Include all information considered as part of the internal review such as selection report or interview with the claimant, panel chair or other panel members.

### Agency assessment

Detail steps taken to review the claim and describe why the agency believes the process in question meets the minimum requirements of the standard. If ways to improve future processes are identified, list these (see template for example).

### Self assessment checklist

Look at the process used and decide whether it met the minimum requirements of the standard. If it is found the process did not meet the requirements, consider resolving the claim by restarting the process from the beginning or partway through.

### Appropriate action taken

If part of the process is re-commenced, outline actions undertaken.

### Comments

Include in the comments box further relevant information for the Public Sector Commission should the breach of standard claim be forwarded for review.

For assistance email compliance@psc.wa.gov.au

# Breach of standard claim assessment template

| Details |
| --- |
| Name of claimant |  |
| HR process |  |
| Date received | Date field |

| Claimant concerns | Relevant principle of standard | Information considered in assessment | Agency analysis and reasons for decision | Process met standard | Process did not meet standard | Action taken to address fault  |
| --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  |  |  |  |

| Comments including any process/practice improvement opportunities identified |
| --- |
|  |

[Public Sector Management (Breaches of the Public Sector Standards) Regulations 2005](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_s37434.html)