

A WORD ABOUT REASONS

If the DO fails to provide clear, understandable reasons for the findings and recommendations, they may find that people ask for further explanation, or complain. They may also doubt the fairness of the investigation.

Provide reasons that are clear, and aim to be thorough enough - as brief as you can while providing enough information for the reader to understand the rationale for the conclusion.

Reasons should:

- Describe what evidence was considered and how and why it led to the decision
- Demonstrate that the decision-maker heard and considered the information provided by the parties to the case
- Summarize any credibility assessment of witnesses that were made and how this impacted the consideration and weight given to the witnesses' evidence, particularly where conflicting evidence was presented
- Be responsive and understandable to the parties receiving them. Reasons are the primary way the DO demonstrates that as the decision-maker they have listened to the arguments and evidence and considered them when making the decision

Document the reasons!

- **Issue(s):** briefly describe the issue(s) looked at — what question(s) or issue(s) needed to be decided. If the DO did not look at an issue that the person raised, explain why or how they considered their information.
- **Facts:** describe the evidence or information that was gathered and considered and any findings of fact that were made. If certain pieces of evidence were rejected or had less weight placed on them, explain the reasons why.
- **Applicable rules or tests:** explain the law, policy and other rules relevant to the decision — and refer to specific sections that were applied in the circumstances.
- **Analysis:** describe how the rules were applied to the facts in reaching the conclusion(s).
- **The decision itself:** whether wrongdoing under PIDA was substantiated or not.

And finally, any review or appeal rights available to the person should be included in the reports, as well as any applicable time limits. If there is no review avenue available in the organization, the DO may refer them to the Office of the Ombudsperson.

Ask these questions

When I explain the results of my investigation to them or they receive my written report:

- Will they understand why I made the decision?
- Have I demonstrated that I heard and considered the evidence they provided in my decision-making process?