

People Framework

Investigation Procedure



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Tracking

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Service			

Revision History

Revision Date	Revisor	Previous Version	Description of Revision

Document Approvals

Each revision requires the following approvals:

Sponsor Approval		Name	Date

1. Introduction

The purpose of an investigation is to determine all the facts associated with a complaint or allegation and establish whether it is necessary to invoke formal action. The investigation may be led by a manager or an external investigator.

The Investigating Officer will follow reasonable lines of enquiry. Each investigation will be different and the approach taken will be dependent upon the nature of the complaint or allegations. The process outlined in this procedure is designed to be a guide and is not prescriptive.

2. Roles and Responsibilities

Investigations will involve the following:

- **Investigating Officer**

The Investigating Officer is responsible for conducting a fair and reasonable investigation into the complaint or allegations and ensuring that individuals are provided with a fair and reasonable opportunity to respond to the issues being investigated.

The Investigating Officer is responsible for documenting the findings of the investigation and conclusions in a report and, where necessary, presenting the report at any subsequent formal hearings which may be required.

- **HR Advisor**

The HR Advisor is responsible for providing advice and guidance to the Investigating Officer on the application of the relevant employment policies.

- **Employees**

Employees involved within the scope of an investigation may have raised a complaint, be the subject of a complaint, be investigated in relation to alleged misconduct or be called upon as a witness.

Employees are expected to participate in the investigation and provide responses to the questions asked by the Investigating Officer.

3. Managing the Investigation

It is the Chair's responsibility to communicate with the employee who has raised the complaint / is alleged to have committed misconduct regarding the progress of the investigation.

It is the responsibility of the manager to liaise with the Chair and update the employee who is subject of the grievance regarding the progress of the investigation keeping them up to date.

4. Personal Data

Investigating Officers will be provided with access at all reasonable times to premises, personnel, documents and assets that are considered necessary for the purposes of the work associated with the investigation.

Access to data will be in line with the Councils Employee Privacy Notice. (Link to Notice)

Investigating Officers will only access information when it is justifiable and proportionate to do so.

5. Investigation Log

Investigating Officers must maintain an Investigation Log. The Investigation Log should record all enquiries, correspondence, meetings, decisions, etc. and must be stored in the case file at the end of the investigation.

Investigating Officers should also use the Investigation Log to record problems / barriers regarding progress and must note the efforts they have made to resolve them. This will inform any later queries regarding the conduct of the investigation including delays, failure to secure evidence, rationale for interviewing witnesses, etc.

Investigating Officers should also log instances where witnesses have sought to make significant changes before signing their statement.

The log will provide a record of any significant decisions made on the investigation such as reasons why a particular line of enquiry was or was not pursued or delayed.

Investigating Officers must be aware that the Investigation Log will be held on the employee's personal file and may be subject to disclosure.

6. Investigation Procedures and Absence

Where an employee is unable to attend an investigation meeting, they should inform the Investigating Officer in advance, giving a valid reason. The Investigating Officer will arrange an alternative meeting date, which will be no later than 7 calendar days from the original meeting date. Where appropriate, the 7 calendar day limit may be extended by mutual consent.

If an employee who is subject to an investigation is absent from work due to sickness, Occupational Health advice may be sought to determine their fitness to participate in the investigation process. The investigation will not be put on hold indefinitely pending the employee's return to work. Consideration will be given to what reasonable support and adjustments may be provided to ensure that the employee is able to fully participate in the investigation, including alternative methods of gathering information, such as by telephone or written submission if appropriate.

7. Investigation File

The case file should be organised to enable review and future reference and may include:

- Investigation report
- Witness statements (signed by the witnesses)
- Any documentary evidence which supports the investigation (e.g. emails)
- Policies and Procedures
- Copies of all letters to employee(s) concerned

The Investigating Officer should keep all information relating to the investigation secure. The investigation file should be handed over to the Chair at the conclusion of the investigation.

Once the case has been concluded, including any appeal, the case file should be returned to HR.

8. Scope of Investigation

The Investigating Officer will need to meet the complainant(s), employees who have directly witnessed incidents and employees who are believed to have experienced behaviours similar to those alleged by the complainant(s).

During the investigation meeting employees will be given the opportunity to identify any further potential witnesses in support of their explanations and the Investigating Officer will consider the need for further meetings. The Investigating Officer will not generally meet with employees for the purposes of a character reference, unless there is good reason to do so.

If an employee indicates that a witness can provide relevant evidence (e.g. that may exonerate them or reduce the seriousness of an allegation), this witness should be interviewed. Decisions not to interview nominated witnesses must be recorded in the Investigation Log, along with the rationale for the decision.

If the investigation involves consideration of an allegation of a criminal matter such as theft or fraud, then the investigation meeting is best conducted by a lawyer under P.A.C.E. procedures.

9. Witness Meetings

The Investigating Officer will contact witnesses to arrange a meeting at a mutually convenient time and at the earliest opportunity. The meeting arrangements will be confirmed in writing (unless otherwise agreed). Template Letter 3 Investigatory Meeting Notification

The Council considers it a reasonable request to ask a witness to attend an investigation meeting and witnesses are expected to cooperate. On occasion, this may involve changes to rotas and/or require meetings to take place outside an employee's normal working hours.

When arranging the investigation meeting, the Investigating Officer will consider whether the venue is suitable and clarify whether the employees and/or their representative require any reasonable support and/or adjustments to enable them to fully participate in the meeting.

Meetings will be held at a neutral location if necessary and/or requested by the employee.

Witnesses will only be called to give evidence and to be questioned where relevant. . Witnesses must keep the details of the investigation meeting confidential and should not share information relating to the investigation with others.

10. Right to be accompanied at Investigation Meetings

The subject of the investigation has the right to be accompanied at Investigation Meetings by a member of the Staff Consultative Group, Trade Union Representative or work colleague.

There is generally no requirement for witnesses to be accompanied to their meeting but they may bring along a member of the Staff Consultative Group, Trade Union Representative or work colleague if they wish.

All persons accompanying the subject of the meeting will be bound by the same confidentiality requirements.

11. Additional Allegations

Where additional concerns regarding the conduct of employees are raised during an investigation, the Investigating Officer will inform the Chair who, with advice from HR, will consider whether these should be added to the scope of the investigation.

12. No Case or New Information

Where the Investigating Officer is able to quickly establish that there is no evidence to support the allegation(s) and/or considers that the findings of the investigation do not justify an employee's continued suspension, this must be reported immediately to the Chair.

13. Outcome of Investigatory Meeting – Investigatory Report

The Investigating Officer will prepare a written Investigation Report at the end of the investigation. Investigation Report Template.

There is no set format for the findings section of the report as this will be dependent upon the nature of the allegations. The report should clearly indicate whether there is a recommendation for formal action, however, there must be no recommendations regarding a potential sanction as this will be determined by the Chair following the Hearing.

Once finalised, the Investigating Officer will send the report to the Chair. Where necessary, the Investigating Officer and the Chair will meet to clarify any points of fact or evidence.

The Chair will confirm the conclusion of the investigation in writing to the employee who has raised the grievance/alleged to have committed an act of misconduct, along with next steps.

The employee who has raised a grievance / is alleged to have committed misconduct will be provided with a copy of the investigation report and associated documents, e.g. witness statements and documentary evidence which supports the investigation, by the Chair on completion of the investigation.

The employee who is the subject of a grievance will be provided with written confirmation of the outcome of the Hearing, the investigation report and associated documents, e.g. witness statements and documentary evidence which supports the investigation, by the Chair once the Hearing has taken place.