

# HANDLING WORKPLACE INVESTIGATIONS

## ORGANISATIONAL PREPARATION



- **Is the investigation necessary** or is an informal action sufficient? This will depend on the seriousness of the matter and company policy.
- Unsure? Consider a **preliminary investigation** - a gathering of data to decide whether a formal investigation is necessary.
- Establish rules that the investigation will follow and the role of the investigator (i.e. **terms of reference**).
- Choose an appropriate investigator - this may be a line manager, HR Manager or someone more senior for particularly serious cases.
- An **external consultant** can be appointed to bring an impartial voice to what may be a difficult situation.

## AN INVESTIGATOR'S PREPARATION

- Detail an **investigation plan** outlining the facts and evidence needed, a time-frame, the individuals you would like to interview and any policies/procedures to be followed.
- **Contact relevant parties** who you consider will need to be involved in the investigation.
- Consider what **evidence** is needed and **how will it be gathered?** Factoring in the order in which evidence will be gathered (in simple cases, interviews usually come first, whereas for those more complex, physical/written evidence may need to be reviewed prior to interviews).
- **Act promptly** - an investigation should occur soon after an issue is raised.



## HANDLING AN INVESTIGATION MEETING



- It is not a statutory right for a worker to be **accompanied**, however it can often benefit the investigation as the individual may feel more at ease.
- Detailed notes will need to be captured, therefore consider who will carry out this duty.
- **Take care with the questions** you ask - avoid leading or interrogative questions and ask only one question at a time. Open-ended questions are more effective.
- Handle reluctant witnesses or **refusals to meet** appropriately.
- An **investigation meeting must not turn into a disciplinary meeting** and remember that witnesses are not being investigated.

## GATHERING EVIDENCE

- Arrange **witness statements** and compile relevant documents, records and physical evidence.
- **Consider what the evidence reveals** and whether there are any doubts over its reliability or contradictions with other evidence, and whether any further information is needed.
- **Ensure interviewees have confirmed** their statement is accurate. If not, they have the right to make amendments to be marked on the original copy.



## WRITING AN INVESTIGATION REPORT



- **Plan the structure** - the report should have an introduction, process of investigation, findings, conclusions, details of relevant documents used.
- Your report should give an account of what is *likely* to have happened based on the **balance of probabilities** - categorise evidence into uncontested facts, contested facts and unsuitable claims.
- Make a **recommendation** if appropriate - usually suggesting whether formal, informal or no further action is needed.

## AFTER THE INVESTIGATION

- **Submitting the report** concludes the investigator's involvement with the investigation - however, they may be asked to discuss the report in person, attend the disciplinary meeting or have an input in a review of policy and procedure.
- Consider any **recommendations unrelated to the matter of the report** - the investigator should note any issues unrelated to the subject of the investigation that may need further action.
- **Securely retain the report** for a suitable amount of time - individuals named in the report are allowed to view the sections of the report where they are mentioned.
- **Remember to securely dispose of the report** once it is out of date in line with GDPR considerations.

