

Investigations Procedure

DOCUMENT CONTROL

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Author(s) and Owner	Keith Tennant – Policy Lead – Author Isla Newcombe – Chief Officer – People and Organisational Development - Owner
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1.0 INTRODUCTION

- 1.1.1 This procedure applies in relation to investigations being conducted under the Managing Discipline, Dignity and Respect at Work, Managing Grievances policies and procedures, and the Handling Allegations Against School Staff procedure.
- 1.1.2 Its aim is to ensure a consistent and fair approach in how investigations are conducted in respect of the policies and procedures in 1.1.1 above.
- 1.1.3 It will be used where a need has been identified for an investigation under the formal part of the respective policy and procedure, where the matter cannot be addressed informally.

2.0 PROCEDURE

2.1 Step 1 - Preliminary Assessment of the case

- 2.11 At the outset, where a formal investigation is being considered, the *commissioning manager will undertake any necessary discussion with the Employee Relations & Wellbeing Manager or an Advisor identified by that manager to verify that a formal investigation is in fact required, or whether the matter could be addressed through informal means. The preliminary assessment of the case will be recorded using the template at Appendix A. In respect of serious misconduct allegations, a formal investigation would be required.

Note - The informal part of the procedure may already have been applied by the line manager and further consideration at that stage ruled out before the matter has reached this point. The commissioning manager will confirm whether that is the case before proceeding.

*The commissioning manager is the person in the Cluster who decides on the need for a formal investigation.

- Commissioning Manager discusses with Employee Relations to verify if a formal investigation is needed, or if matter can be addressed informally.



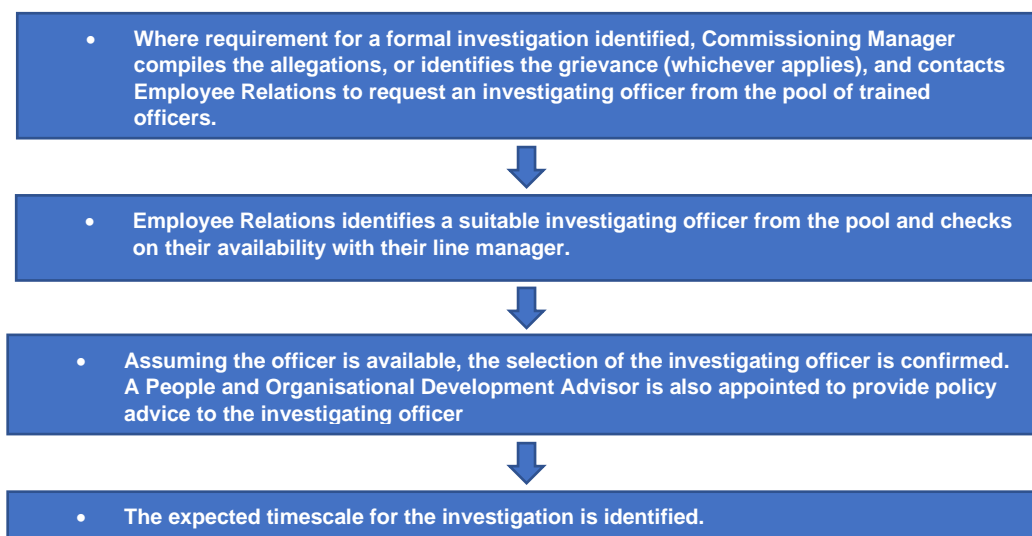
- Commissioning Manager records outcome of preliminary assessment of case on form at Appendix A.

2.2 Step 2 - Appointment of Investigating Officer

- 2.21 Where the commissioning manager is satisfied of the requirement for a formal investigation, they will formulate the allegations to be investigated and then contact the Employee Relations & Wellbeing Team to request an investigating officer. The Employee Relations & Wellbeing Team will engage an investigating officer from the pool of trained investigators in line with the guidance set out in Appendix G. A People

and Organisational Development Advisor will also be appointed to provide policy advice to the investigating officer during the investigation stage.

- 2.22 The overall timescale for the appointment of an investigating officer should be no longer than 3 working days from the time the template at Appendix A has been submitted.
- 2.23 The investigation will immediately commence on the appointment of the investigating officer, with the officer made aware of the need to complete the investigation as quickly as possible, but also ensuring that it is thoroughly carried out. The expected timescale for completion of an investigation will be up to 4 calendar weeks. Where an investigation is to take longer than this, the investigating officer is responsible for keeping all the relevant parties informed of the likely timescale and any reason(s) that may have caused a delay. Nonetheless regular updates will be given by the investigating officer to the parties, (including the People and Organisational Development Advisor), keeping them informed of progress, with these recorded on Appendix H.

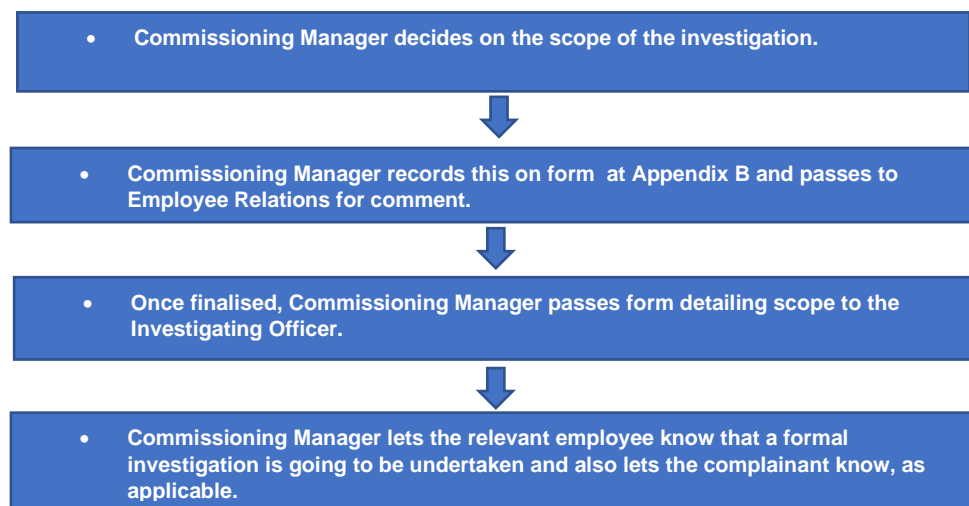


2.3 Step 3 - Identifying the scope of the investigation and notifying the employee(s)

- 2.31 The commissioning manager will decide on the scope of the investigation, establishing what requires to be investigated, also identifying the allegation(s) or complaint(s) against the employee; or the grievance(s) raised by an employee
- 2.32 The scope of the investigation should be recorded using the standard template (see Appendix B attached), with this initially passed to the Employee Relations & Wellbeing Team for any comment. Once finalised, the form will be given to the

investigating officer by the commissioning manager. The investigating officer should also receive the grievance/complaint form.

- 2.33 In the case of conduct investigations, the commissioning manager will arrange to let the employee subject to the allegation(s) or complaint(s) know that the matter(s) is to be formally investigated and the reason why, and that the investigating officer will write to them in the near future to call them to an investigatory meeting. In cases where there is a complainant, that person will also be communicated with, to let them know that matters will be progressed through the appropriate procedure/policy.
- 2.34 In the case of grievance investigations, the chairperson of the grievance hearing will arrange to let the employee who has raised the grievance know that the matter is to be formally investigated and that the investigating officer will be writing to them to invite them to an investigatory meeting.



2.4 Step 4 - Commencing and undertaking the Investigation

Conduct and grievance investigations

- 2.41 The investigating officer will begin by compiling an investigation plan. See template at Appendix C.
- 2.42 For conduct (Discipline or Dignity and Respect) and grievance investigations, the investigating officer will issue a formal letter:
- to the employee who is subject to the allegation(s) or complaint(s),
 - to the employee who raised the grievance or complaint

inviting them to a formal meeting/invite them to submit a statement, detailing the allegation(s), complaint(s), or grievance(s), whichever applies (see letters at

Appendices 1 and 2 for conduct investigations, and letter at Appendix 4 for grievance investigations).

The employee(s) will have the right to be accompanied by a trade union representative or a work colleague at the meeting.

- 2.43 The investigatory meeting will be held, with the investigating officer seeking a response to the allegation(s), complaint(s), or details of the grievance(s) from the employee, giving them every opportunity to respond/provide details.
- 2.44 The investigating officer will either take a notetaker to this and the other meetings to compile a record or can opt to take notes themselves (see Appendix D for Interview Record template). A copy of the record of the meeting will be given to the employee following the meeting for them to agree, sign (or verify electronically) and date as an accurate record of what was stated. Sufficient time will be given to the employee to check over and finalise the record of their statement.
- 2.45 The investigating officer may choose to meet the employee who made the complaint first, before the employee who is under investigation. The employee who made the complaint will also have the right to be accompanied if they wish. A copy of the record of the meeting will be given to the employee after the meeting for them to agree, sign (or verify electronically) and date as an accurate record of what was stated (see template at Appendix D). Sufficient time will be given to the employee to check over and finalise the record of their statement.
- 2.46 The investigating officer will arrange to contact relevant witnesses, to gather details of their accounts, including any highlighted by the employee who is subject to the allegation(s) or complaint(s), or who raised the grievance/complaint. A letter of invitation will be issued to each witness asking them to attend a meeting (see letter at Appendix 3 for conduct cases, and letter at Appendix 5 for grievance cases). They will also have the right to be accompanied if they wish. A copy of the record of the meeting will be given to the witness after the meeting for them to agree, sign (or verify electronically) and date as an accurate record of what was stated (see template at Appendix D). Sufficient time will be given to the witnesses to check over and finalise the record of their statements.

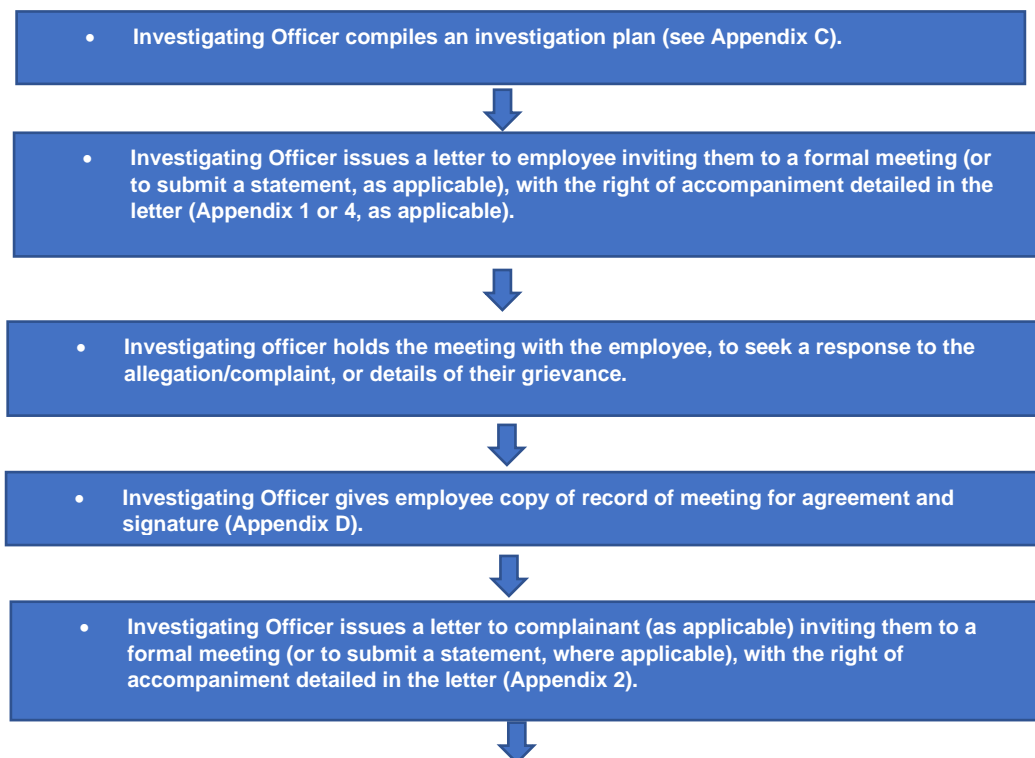
Note – There may be occasions where the witnesses are met with first by the investigating officer before the employee who is subject to the allegation(s) or complaint(s), or who raised the grievance. Witnesses cannot be compelled to participate in an investigation and any non-cooperation will be noted in the investigation report, although the names of the relevant witnesses may require to be omitted for reasons of confidentiality.

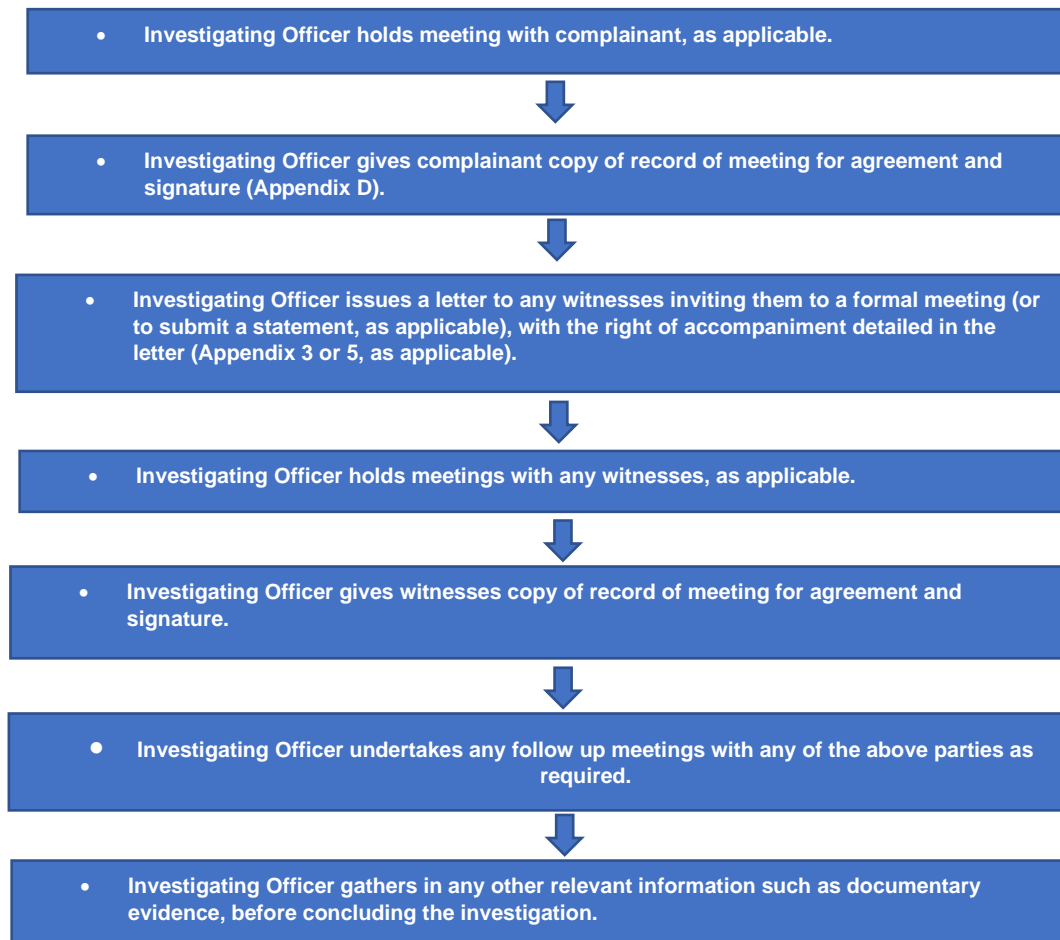
- 2.47 The investigating officer will inform each person who provides a statement that it may be used in a disciplinary hearing (including dignity and respect at work

investigations and disciplinary investigations that are progressed to a disciplinary hearing) or grievance hearing (as applicable) and, if so, that the employee under investigation, or the employee whose grievance is being investigated, will be given a copy. Those providing statements should also be made aware that if the matter is referred to a Regulatory Body e.g. SSSC, GTCS, those bodies may request sight of the full unredacted investigatory documentation including any witness statements provided.

2.48 An alternative to interviewing the employee, complainant, or some or all the witnesses, is to offer them the option of providing a written statement of their evidence. This option would only be used in exceptional circumstances where an early meeting with the employee, complainant, or witness was not possible. In this case the investigating officer would issue the employee, complainant, or witness(es), with a list of questions to respond to/ask for a statement to be provided, also informing them that a meeting/follow up statement may still be necessary if there was a need to clarify any points in the statement. The employee, complainant and witnesses would sign (or verify electronically) and date their statement prior to its submission.

2.49 The investigating officer may need to gather further information as part of the investigation such as relevant documentary evidence (e.g. timesheets, login information from IT, CCTV footage etc.), and this should be listed in the investigation report and included as appendices. It may also be necessary to have a follow up meeting with any one of those involved, before the investigation is completed.





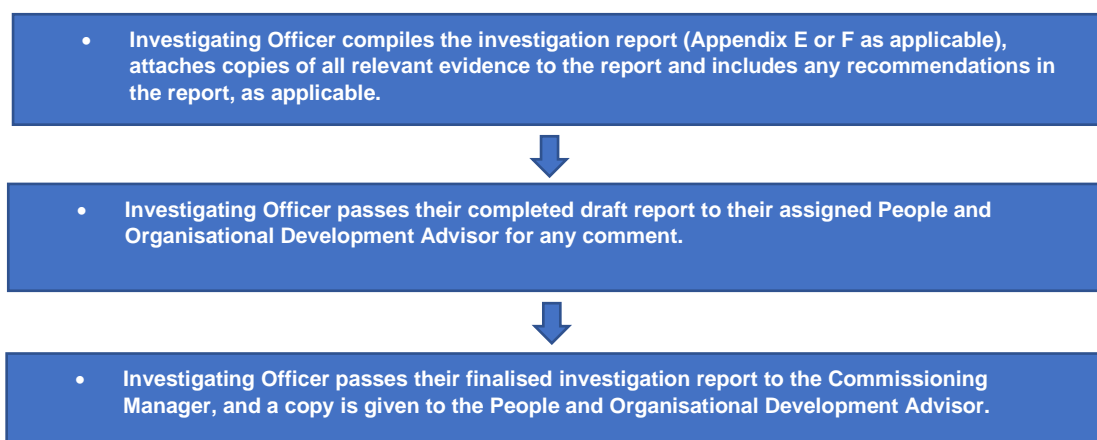
Note: the order in which the parties above are interviewed by the investigating officer may vary.

2.5 Step 5 - Compiling the Investigation Report

- 2.51 Once the investigating officer is satisfied that all relevant information about the case has been gathered, they will proceed to write an investigation report, using the appropriate standard template, detailing their findings, conclusions, and recommendations (see template at Appendix E for Conduct report, and template at Appendix F for Grievance report).
- 2.52 Copies of the evidence, including record of meeting(s) with the employee, record of meeting(s) with a complainant and/or any witnesses, any written statements, and any documentary evidence, will be attached as appendices to the report, as will the completed Appendix A, Preliminary Assessment of the Case, Appendix B Scope of Investigation, and Appendix C, Investigation Plan. In the case of conduct investigations, the report should indicate whether the evidence suggests that the act(s) amount potentially to 'gross misconduct' or 'misconduct', where there has

been evidence found to substantiate the allegation(s) or complaint(s). In the case of grievance investigations, the report will indicate whether evidence has been identified to support the grievance(s) raised by the employee.

- 2.53 For complaints made under the Dignity and Respect at Work policy and procedure, the investigating officer should also put forward their recommendations for resolution of the complaint. This may include, but should not be limited to, progressing to a disciplinary hearing. The implementation of recommendations will be the responsibility of the commissioning manager.
- 2.54 Once the investigating officer has drafted their report, complete with signed witness statements, it should be passed to the relevant People and Organisational Development Advisor for comment, prior to being finalised.
- 2.55 Once finalised the completed report will be passed to the commissioning manager who will make a decision on how the case will be progressed based on the recommendation of the Investigating Officer. In grievance cases the commissioning manager will be the chairperson of the grievance hearing. A copy of the final version should be provided to the People and Organisational Development Advisor for the case file and to be shared with the employee under the relevant procedure as set out at paragraph 1.1.1.



2.6 Step 6 - Outcome of the Investigation

- 2.61 The investigating officer notifies the employee of the outcome of the investigation in writing using the appropriate letter at either Appendix 6 or Appendix 7 if a conduct investigation, or letter at Appendix 8 if a grievance investigation.
- 2.62 Where a case is proceeding to a disciplinary hearing, or to a grievance hearing, whichever applies, it will be necessary for the investigating officer to attend the hearing to present their investigatory report and answer any questions in relation to the investigation. This will involve going over their findings from the evidence

gathered and how their conclusion(s) and recommendation(s) was reached. The chairperson of the appropriate hearing will arrange for the investigating officer to be present at the hearing (as well as any witnesses, where relevant). It should be noted that all grievance investigations will proceed to a grievance hearing.

- Investigating Officer notifies employee of the outcome of the investigation in writing using appropriate letter at either Appendix 6 or Appendix 7 if a conduct investigation, or letter at Appendix 8 if a grievance investigation.

Note 1: A checklist is provided at Appendix H for a record to be kept of the progress of the various steps of the investigation. The dates of completion of each task should be recorded on this form by the commissioning manager and investigating officer, respectively.

Note 2: Where the chairperson of a disciplinary hearing or a grievance hearing considers that the investigation has not covered a certain issue(s), the investigating officer may be requested by the commissioning manager to go back and undertake some further investigating and resubmit their revised report (with the appropriate hearing postponed until this has been carried out). This need should only arise in exceptional circumstances.

CONDUCT INVESTIGATIONS (I.E. THOSE UNDER THE MANAGING DISCIPLINE AND DIGNITY AND RESPECT AT WORK POLICIES/PROCEDURES) – REQUEST EMPLOYEE RESPONSE TO ALLEGATION(S)/COMPLAINT(S)

* delete as appropriate

PERSONAL

Dear

INVESTIGATION

I am investigating an allegation(s)/complaint(s) that has been made against you and wish to discuss the matter(s) with you.

1. **Insert allegation(s)/complaint(s)** (number if more than 1- include dates/times)

My role as Investigating Officer is to establish the facts and in doing so, it is important that I gather all relevant information before deciding whether there is any substance to the allegation(s)/complaint(s) made against you and whether the matter(s) should be dealt with at a disciplinary hearing. My investigation may involve obtaining statements from witnesses and examining relevant documents.

**Attend an investigatory meeting (allow 5 working days' notice – extend where appropriate)*

You are required to attend an investigatory meeting on *(date, time and location)* so that I can hear your response to the allegation(s)/complaint(s). You have the right to be accompanied by a work colleague or trade union representative if you so wish. You are not permitted to be accompanied by your partner, a spouse or legal practitioner. I will be accompanied by *(name)*. If the companion you select is unable to attend on the above date you have the opportunity to suggest another date. However, this alternative date must suit everyone involved and be no more than 5 working days after the original date – otherwise, you will need to select another companion or attend the meeting unaccompanied.

I wish to emphasise that the meeting is investigatory and should not be confused with a disciplinary hearing.

**Request written statement (allow 5 working days' to complete – extend where appropriate)*

You are required to provide a written response to the allegation(s)/complaint(s) against you. Please provide your response to the allegation(s)/complaint(s) and questions stated in the attached document to the following address *[post address]* or email address *[email address]** by *[date]*.

You are entitled to seek support from a colleague or trade union representative to complete your written statement.

Should you prefer to meet and discuss your response to the allegation(s)/complaint(s) please contact me on the above telephone number or email address to request.

On conclusion of my investigation I will consider all relevant facts and information that have emerged; consider whether there is any substance to the allegation(s)/complaint(s); and make a recommendation(s). This could include that the matter be progressed to a disciplinary hearing, or a decision to take no action. *Other appropriate recommendations could also apply in relation to investigations under the Dignity and Respect at Work policy and procedure.

I will confirm my decision in writing to you.

You are expected to co-operate fully with the investigation. I have to advise that should you fail to provide a response to the allegation(s)/complaint(s) or attend the meeting without good and sufficient reason, then I will be required to make a decision on the investigation based on the relevant facts and information gathered.

To ensure that the investigation can be conducted as fairly as possible, I request that you treat the matter as confidential. Any breach of confidentiality may be considered to be a disciplinary matter.

Please note that if you are a member of a registered body including GTC or SSSC, Aberdeen City Council may be required to inform them dependent on their notification rules. They may require sight of the full disciplinary papers, including witness statements which may impact on your registration.

I trust this satisfactorily explains how the investigatory process will proceed.

Yours sincerely

NAME OF INVESTIGATING OFFICER

Enc. Copy of relevant policy and procedure.

cc P&OD Advisor
AskHR / Employee Personal File ID Number XXXX

CONDUCT INVESTIGATIONS - (I.E THOSE UNDER THE MANAGING DISCIPLINE AND DIGNITY AND RESPECT AT WORK POLICIES/PROCEDURES) – REQUEST FOR STATEMENT FROM A COMPLAINANT EMPLOYEE

* delete as appropriate

PERSONAL

Dear

INVESTIGATION OF COMPLAINT(S) - ?? POLICY AND PROCEDURE

I write regarding the complaint(s) you have raised against **<name>**, under the formal stage of the above policy and procedure. I note that the nature of your complaint(s) is/are as follows: -

Enter summary of the complaint(s)

My role as investigating officer is to establish the facts. It is therefore important that I gather all the relevant information before deciding whether there is any substance to the complaint(s) you have made. My investigation will involve taking a statement from you, the employee who is the subject of the complaint(s) and may also involve taking statements from relevant witnesses and examining relevant documents.

****Attend a meeting (allow 5 working days' notice – extend where appropriate) –***
I would appreciate if could you meet with me on [date, time, location]. I will ask you for information and take your statement. The information you provide will be included in my investigation report and may be seen by the party/parties involved.

You have the right to be accompanied by a work colleague or trade union representative if you so wish. If the companion you select is unable to attend on the above date you have the opportunity to suggest another date. However, this alternative date must suit everyone involved and be no more than 5 working days after the original date – otherwise, you will need to select another companion or attend the meeting unaccompanied.

****Request written statement (allow 5 working days' to complete – extend where appropriate)***
-
I would appreciate if you could provide a written statement with your response to the questions stated in the attached document to the following address [post address] or email address [email address]* by [date]. The information you provide will be included in my investigation report and may be seen by the party/parties involved.

You are entitled to seek support from a colleague or trade union representative to complete your witness statement.

Should you prefer to meet and discuss your witness statement please contact me on the above telephone number or email address to request.

To ensure that the investigation can be conducted as fairly as possible I request that you treat the matter as confidential. Any breach of confidentiality may be considered to be a disciplinary matter.

After I complete my investigation, I will consider all the relevant issues that have emerged; conclude whether there is any substance to the complaint(s). I will compile a report on my investigation detailing findings, conclusions, and recommendations and whether evidence has been found of a case to answer.

I trust this explains to you how this matter will proceed.

Yours sincerely

NAME OF INVESTIGATING OFFICER

cc P&OD Advisor
AskHR / Employee Personal File Employee ID Number

CONDUCT INVESTIGATIONS - (I.E THOSE UNDER THE MANAGING DISCIPLINE AND DIGNITY AND RESPECT AT WORK POLICIES/PROCEDURES) – REQUEST FOR WITNESS STATEMENT

* delete as appropriate

PERSONAL

Dear

Witness Statement

I am writing to you as you have been identified as a potential witness in a conduct investigation that I have been assigned to investigate.

The investigation concerns ?? *insert brief details of the subject of the investigation.*

**Attend a meeting (allow 5 working days' notice – extend where appropriate) –*

You may have information that will assist in my investigation and I would appreciate if could you meet with me on [date, time, location]. I will ask you for information and take your statement. The information you provide may be included in my investigation report and may be seen by the party/parties involved.

You have the right to be accompanied by a work colleague or trade union representative if you so wish. If the companion you select is unable to attend on the above date you have the opportunity to suggest another date. However, this alternative date must suit everyone involved and be no more than 5 working days after the original date – otherwise, you will need to select another companion or attend the meeting unaccompanied.

**Request written statement (allow 5 working days' to complete – extend where appropriate)*

-
You may have information that will assist in my investigation and I would appreciate if you could provide a written statement with your response to the questions stated in the attached document to the following address [post address] or email address [email address]* by [date]. The information you provide may be included in my investigation report and may be seen by the party/parties involved.

You are entitled to seek support from a colleague or trade union representative to complete your witness statement.

Should you prefer to meet and discuss your witness statement please contact me on the above telephone number or email address to request.

To ensure that the investigation can be conducted as fairly as possible I request that you treat the matter as confidential. Any breach of confidentiality may be considered to be a disciplinary matter.

Yours sincerely

NAME OF INVESTIGATING OFFICER

Appendix 4

GRIEVANCE INVESTIGATION – REQUEST EMPLOYEE TO PROVIDE FULL DETAILS OF THEIR GRIEVANCE(S)

*** delete as appropriate**

PERSONAL

Dear

GRIEVANCE INVESTIGATION

I have been assigned as the investigating officer to examine and gather details in relation to your grievance(s) and wish to meet with you to discuss the matter(s).

Insert the grievance(s) raised (number if more than 1)

My role as Investigating Officer is to establish the facts and in doing so, it is important that I gather all relevant information before deciding whether there is evidence to substantiate your grievance. My investigation may involve obtaining statements from witnesses and examining relevant documents.

****Attend an investigatory meeting (allow 5 working days' notice – extend where appropriate)***

You are invited to attend a meeting with me on (*date, time and location*) so that I can obtain full details of your grievance. You have the right to be accompanied by a work colleague or trade union representative if you so wish. You are not permitted to be accompanied by your partner, a spouse or legal practitioner. I will be accompanied by (*name*). If the companion you select is unable to attend on the above date you have the opportunity to suggest another date. However, this alternative date must suit everyone involved and be no more than 5 working days after the original date – otherwise, you will need to select another companion or attend the meeting unaccompanied.

****Request written statement (allow 5 working days' to complete – extend where appropriate)***

You are requested to provide written details of your grievance. Please provide full details of your grievance and a response to the questions stated in the attached document to the following address [*post address*] or email address [*email address*]* by [*date*].

You are entitled to seek support from a colleague or trade union representative to complete your written statement.

Should you prefer to meet and discuss your response please contact me on the above telephone number or email address to request.

On conclusion of my investigation I will consider all relevant facts and information that have emerged; consider whether there is evidence to substantiate your grievance; and make a recommendation(s).

I will confirm the outcome of the grievance investigation in writing to you.

To ensure that the investigation can be conducted as fairly as possible, I request that you keep the matter confidential. Any breach of confidentiality may be considered to be a disciplinary matter.

I trust this satisfactorily explains how the investigatory process will proceed.

Yours sincerely

NAME OF INVESTIGATING OFFICER

Enc. Copy of relevant policy and procedure.

cc P&OD Advisor
AskHR / Employee Personal File Employee ID Number

GRIEVANCE INVESTIGATION – REQUEST FOR WITNESS STATEMENT

* delete as appropriate

PERSONAL

Dear

Witness Statement – Grievance Investigation

I am writing to you as you have been identified as a potential witness in a grievance investigation that I have been assigned to investigate.

The investigation concerns ?? *insert brief details of the subject of the investigation.*

**Attend a meeting (allow 5 working days' notice – extend where appropriate) –*

You may have information that will assist in my investigation and I would appreciate if could you meet with me on [date, time, location]. I will ask you for information and take your statement. The information you provide may be included in my investigation report and may be seen by the party/parties involved.

You have the right to be accompanied by a work colleague or trade union representative if you so wish. If the companion you select is unable to attend on the above date you have the opportunity to suggest another date. However, this alternative date must suit everyone involved and be no more than 5 working days after the original date – otherwise, you will need to select another companion or attend the meeting unaccompanied.

**Request written statement (allow 5 working days' to complete – extend where appropriate)*

You may have information that will assist in my investigation and I would appreciate if you could provide a written statement with your response to the questions stated in the attached document to the following address [post address] or email address [email address]* by [date]. The information you provide may be included in my investigation report and may be seen by the party/parties involved.

You are entitled to seek support from a colleague or trade union representative to complete your witness statement.

Should you prefer to meet and discuss your witness statement please contact me on the above telephone number or email address to request.

To ensure that the investigation can be conducted as fairly as possible I request that you keep the matter confidential. Any breach of confidentiality may be considered to be a disciplinary matter.

Yours sincerely

NAME OF INVESTIGATING OFFICER

OUTCOME OF A CONDUCT INVESTIGATION (I.E THOSE UNDER THE MANAGING DISCIPLINE AND DIGNITY AND RESPECT AT WORK POLICIES/PROCEDURES) - PROGRESSING TO A HEARING

**delete as appropriate*

DATE

PERSONAL

Dear

OUTCOME OF INVESTIGATION

I write to inform you of the outcome of my investigation into the following *allegation(s) or complaint(s):

1. Insert allegation(s)/complaint(s) (number if more than 1)

****All allegations -***

Having carefully considered the facts and evidence I gathered during my investigation; I recommend that all allegation(s)/complaint(s) are progressed to a disciplinary hearing.

OR

****Not all allegation(s)/complaint(s) progressing to hearing -***

Having carefully considered the facts and evidence I gathered during my investigation, I recommend that allegation(s)/complaint(s) 1, 2 etc. is/are* progressed to a disciplinary hearing. Allegation(s)/complaint(s) 1, 2 etc. will not be taken further.

The hearing will be conducted by another manager who will write to you confirming the arrangements; the *allegation(s)/complaint(s) you will be required to answer; the format of the hearing and your right to be accompanied. The letter will be accompanied by a copy of my investigatory report along with any appendices.

The hearing will be held without unreasonable delay whilst allowing you reasonable time to prepare your case and arrange to be accompanied.

At the hearing, I will present the findings of my investigation.

After hearing and considering our respective cases, the manager conducting the hearing will consider whether disciplinary action should be taken.

Yours sincerely

NAME OF INVESTIGATING OFFICER

cc. P&OD Adviser
AskHR / Employee Personal File Employee ID Number

OUTCOME OF A CONDUCT INVESTIGATION (I.E THOSE UNDER THE MANAGING DISCIPLINE AND DIGNITY AND RESPECT AT WORK POLICIES/PROCEDURES) - NOT PROGRESSING TO A HEARING / INFORMAL ACTION RECOMMENDED

***delete as appropriate.**

DATE

PERSONAL

Dear

OUTCOME OF INVESTIGATION

I write to inform you of the outcome of my investigation into the following
*allegation(s)/complaint(s):

1. Insert *allegation(s)/complaint(s) (number if more than 1)

Having carefully considered the facts and evidence I gathered during my investigation, I have concluded that there is no disciplinary case to answer and as such will not be arranging for the matter to be progressed to a disciplinary hearing.

*Optional paragraphs:

I have instead concluded that the matter should be dealt with informally and have arranged for you to have a counselling meeting with your line manager to discuss the required improvement.

Or

I have instead concluded that the matter should be dealt with informally and I recommend alternative solutions such as *training, mentoring, attending specific workshops.

I would take this opportunity to thank you for your co-operation with my investigation.

Yours sincerely

NAME OF INVESTIGATING OFFICER

cc. P&OD Adviser
AskHR / Employee Personal File Employee ID Number

OUTCOME OF A GRIEVANCE INVESTIGATION

**delete as appropriate*

DATE

PERSONAL

Dear

OUTCOME OF GRIEVANCE INVESTIGATION

I write to inform you of the outcome of my investigation into the following grievance(s):

Insert details of grievance(s) (number if more than 1 – amend appropriate para below as required)

*Having carefully considered the facts and evidence I gathered during my investigation; I consider there to be sufficient evidence in support of your grievance(s).

OR

*Having carefully considered the facts and evidence I gathered during my investigation; I consider that there was partial evidence in support of your grievance.

OR

*Having carefully considered the facts and evidence I gathered during my investigation; I consider there to be insufficient evidence in support of your grievance(s).

The case will now be considered further at a grievance hearing and the appointed chairperson will write to you confirming the arrangements and format of the hearing, and your right to be accompanied. The letter will be accompanied by a copy of my investigatory report along with any appendices.

The hearing will be held without unreasonable delay whilst allowing you reasonable time to prepare your case and arrange to be accompanied.

At the hearing, I will present the findings of my investigation.

Yours sincerely

NAME OF INVESTIGATING OFFICER

cc. P&OD Advisor

Preliminary Assessment of the Case

This form should be completed to record the preliminary assessment of the case to identify whether there is scope to address the matter informally, or whether a formal investigation is required.

Where applicable, to indicate below any measures taken to date to address the matter(s) informally.

--

To indicate below whether there is scope to consider addressing the matter(s) through informal means. If so, to indicate what measure(s) will be taken.

--

If there is not scope to consider addressing the matter(s) informally, to indicate the reason(s) for this and hence the need to formally investigate the matter(s).

--

Tick one box below

Following a preliminary assessment of the case, it has been decided to: -

Consider/further consider the case through informal means ☐

Progress to a formal investigation ☐

Name of manager undertaking preliminary assessment of case	
Job Title	
Cluster	
Signature (electronic where possible)	

Date preliminary assessment of case was undertaken	
---	--

Appendix B

SCOPE OF INVESTIGATION

This form should be used to record the details of the scope of the proposed investigation, so that the investigating officer understands the terms of reference and what is expected of them. It will also detail the estimated timescale. It should be completed by the Commissioning Manager and passed to the investigating officer.

IF A CONDUCT INVESTIGATION (I.E. UNDER THE MANAGING DISCIPLINE OR THE DIGNITY AND RESPECT AT WORK POLICY/PROCEDURE

The name, job title and Team/Cluster of the employee to be investigated.

--

Details of the allegation(s) or complaint(s)

--

Description of what requires to be investigated and how it should be undertaken.

--

Agreed estimated timescale to complete the investigation.

--

Note – if the timescale changes, the Investigating Officer should inform the relevant parties.

IF A GRIEVANCE INVESTIGATION

The name, job title and Team/Cluster of the employee who has raised the grievance.

--

Details of the grievance.

--

Description of what requires to be investigated and how it should be undertaken.

--

Agreed estimated timescale to complete the investigation.

--

COMMISSIONING MANAGER'S DETAILS

Name		Job title	
Team/Cluster			

INVESTIGATING OFFICER'S DETAILS

Name		Job title	
Team/Cluster			

Appendix C

Investigation Plan

[Amend headings as required]

Name of Investigating Officer	
Name of Commissioning Manager	
Summary of background to the issue(s)	
Summary of scope of investigation	
Any specific issues that require to be explored/clarified as part of the investigation	
Start date of investigation and provisional time-frame	
Persons to be interviewed (employee, complainant (as applicable), witnesses, any others), including planned order of interviews, with dates, times and locations and who will take notes (invite letter to be sent to each)	
Any documentary or other evidence to be collected and where this can be sourced (including policy and procedural documents)	

Any persons from whom a written statement will be required (by exception only)	
Investigation meetings to be completed by (provisional)	
Collection of documentary and other evidence to be completed by (provisional)	
Investigation report to be completed by (including receiving any comments from People and Organisational Development Advisor)	
Date finalised report passed to commissioning manager	
Any other considerations	

INTERVIEW RECORD	
Name of employee (or other e.g. witness)	
Job Title of employee (where applicable)	
Team/Cluster/Function of employee (where applicable)	
Name of Investigating Officer	
Purpose of interview	
Date	
Points that the Investigating Officer should cover at the beginning of the interview	
<ul style="list-style-type: none"> • Confirm accompaniment at interview and undertake introductions. • Explain purpose of interview and any necessary background. • Explain interview structure/format. • Explain what the statement is to be used for. • Explain that if a regulatory body e.g. SSSC, SGTC required sight of the statement(s) then the Council would require to provide this in connection with any hearing on professional registration. • Emphasise the need for information provided to be factual and accurate. • Emphasise the need for strict confidentiality in the process. • Explain the requirement for the person to check, sign and date the statement at a point soon after the interview. • Ask if any questions before beginning the interview. 	
List of questions (with space for responses)	
<p>Question 1 -</p> <p>Response -</p> <p>Question 2 -</p> <p>Response -</p> <p>Etc....</p> <p>By signing this form, I confirm the information provided is true to the best of my knowledge.</p>	
Signature of employee (or other)	

Date	
------	--

Appendix E

INVESTIGATORY REPORT **CONDUCT INVESTIGATIONS (I.E THOSE UNDER THE** **MANAGING DISCIPLINE AND DIGNITY AND RESPECT AT** **WORK POLICIES/PROCEDURES)**

EMPLOYEE DETAILS

Name		Employee Number	
Job Title			
Employing Team and Cluster			

STATEMENT OF ALLEGATION(S) OR COMPLAINT(S)

Set out the allegation(s) or complaint(s) and attach letter(s) of complaint if applicable. This will be the allegation(s) or complaint(s) the employee will have to respond to at the disciplinary hearing should you consider that disciplinary action is merited.

The allegation or complaint wording should be consistent with previous communications.

INVESTIGATION TIMELINE

Investigation allocated	<i>Insert dates</i>	Draft report sent to P&OD	
Employee response received		Report completed	
P&OD Advisor Consulted	<i>Insert name</i>		

PROVISION OF STATEMENTS

	Name	Job title	Date of Statement
Statement 1	Employee		
Statement 2	Witness		

Under this heading, list who provided statements. Statements must be given a statement number and this number should be referred to in the main body of the report and included as an actual appendix at the end of the report.

OTHER DOCUMENTARY EVIDENCE

	Description
Appendix 1	
Appendix 2	

Under this heading, specify any other documentary evidence that you referred to (e.g. timesheets, claim forms, audit records, codes of practice, terms and conditions etc)

E.g, Appendix 2, Time sheets for period 1 January to 31 March

EMPLOYEE'S RESPONSE TO THE ALLEGATION(S) OR COMPLAINT(S)

You should attach the employee's written statement as Statement 1 (where provided). If a face to face meeting was carried out, you should attach a detailed summary of the meeting.

This section should clearly summarise the employee's response – it is not enough to say they deny the allegation(s) or complaint(s) without giving detail. Give detail of their key response(s) and any reasons/clarity given or evidence presented to counteract/mitigate the allegation(s) or complaint(s).

SUMMARY OF EVIDENCE

There should be a summary of all findings from the investigation taking into consideration the employee's response compared with witness statements (considering their credibility) and any other evidence presented e.g. facts, figures, documentation considered.

Give clear reasons for arriving at the conclusions, taking each allegation or complaint in turn, detailing the evidence that both supports/does not support the allegation or complaint. Remain factual and objective.

Conclude the outcome of the investigation, what you as the Investigating Officer decide based on the evidence gathered.

OUTCOME OF INVESTIGATION

Allegation or Complaint 1	Case to Answer/No Case to Answer
Allegation or Complaint 2	Case to Answer/No case to Answer

Outcomes <i>(tick applicable box(es))</i>			
No further action.		Progress to a disciplinary hearing heard by a 3 rd tier manager (or higher).	
Progress to a disciplinary hearing.		For cases under the Dignity and Respect at Work policy and procedure – other recommendations for resolution (see below, where applicable).	

For complaints made under the Dignity and Respect at Work policy and procedure, the investigating officer should also put forward any recommendations for resolution of the complaint. Any such recommendations should be entered in the box below, as applicable.

Recommendations

INVESTIGATING OFFICER'S DETAILS

Name		Job title	
Cluster			
Tel		Email	

COMMISSIONING MANAGER'S DETAILS

Name		Job title	
Cluster			

INVESTIGATORY REPORT **GRIEVANCE INVESTIGATIONS**

EMPLOYEE DETAILS

Name		Employee Number	
Job Title			
Employing Team and Cluster			

STATEMENT OF GRIEVANCE(S)

Set out the grievance(s) and attach the grievance form submitted by the employee, as applicable. This will be the subject of the grievance hearing following the investigation.

INVESTIGATION TIMELINE

Investigation allocated	<i>Insert dates</i>	Draft report sent to P&OD	
Employee response received		Report completed	
P&OD Advisor Consulted	<i>Insert name</i>		

PROVISION OF STATEMENTS

	Name	Job title	Date of Statement
<i>Statement 1</i>	<i>Employee</i>		
<i>Statement 2</i>	<i>Witness</i>		

Under this heading, list who provided statements. Statements must be given a statement number and this number should be referred to in the main body of the report and included as an actual appendix at the end of the report.

OTHER DOCUMENTARY EVIDENCE

	Description
<i>Appendix 1</i>	
<i>Appendix 2</i>	

Under this heading, specify any other documentary evidence that you referred to (e.g. timesheets, claim forms, audit records, codes of practice, terms and conditions etc)

E.g, Appendix 2, Time sheets for period 1 January to 31 March

EMPLOYEE'S RESPONSE TO QUESTIONS ASKED ABOUT THE GRIEVANCE AND ANY OTHER DETAILS THEY PUT FORWARD IN SUPPORT OF THEIR GRIEVANCE

Where a face to face meeting was carried out, you should attach a detailed summary of the meeting. Where a statement was provided, you should attach the employee's written statement as Statement 1.

This section should clearly summarise the employee's response and any other details they put forward in support of their grievance.

SUMMARY OF EVIDENCE AND OUTCOME OF INVESTIGATION

There should be a summary of all findings from the investigation taking into consideration the employee's response to the questions asked compared with witness statements (considering their credibility) and any other evidence presented e.g. facts, figures, documentation considered.

Give clear reasons for arriving at the conclusions, taking each grievance in turn (where more than one grievance was lodged), detailing the evidence that both supports/does not support the grievance(s). Remain factual and objective.

Conclude the outcome of the investigation, what you as the Investigating Officer think based on the evidence gathered i.e. whether you consider that there is sufficient evidence in support, or otherwise, of the grievance(s).

Note: it will ultimately be the decision of the Chairperson of the grievance hearing whether the grievance is upheld.

INVESTIGATING OFFICER'S DETAILS

Name		Job title	
Cluster			
Tel		Email	

COMMISSIONING MANAGER'S DETAILS

Name		Job title	
Cluster			

Guidance on the appointment of an investigating officer

The points below are guidance in relation to paragraph 2.2 in the investigations procedure, on the appointment of an investigating officer.

The following should be adhered to: -

- Depending on the apparent complexity of the case, consideration will be given as to whether an experienced investigating officer is required, or whether it could be undertaken by a less experienced officer.
- Consideration will also be given to the nature of the investigation and whether any special knowledge or skills are required on the part of the investigator.
- The aim will be to choose an appropriate officer for each case and to share the investigations around the trained investigators pool as equally as possible.
- The person chosen will have had no prior involvement in the case to date.
- It may also be appropriate for a less experienced investigating officer to be appointed to “buddy an experienced officer as part of the learning process.
- Once an investigating officer has been provisionally identified, the Employee Relations & Wellbeing Team will inform that person and check with their line manager that they can be provided with sufficient ‘dedicated time’ to undertake the investigation.
- Current operational needs and the estimated time commitment for the investigation will be considered before a decision is made.
- It will also be necessary to verify the person’s availability including taking account of any annual leave or other commitments.

Checklist – Investigations Procedure

(The Commissioning Manager populates sections 1-3 and the Investigating Officer sections 4-6 of this checklist, entering date completed of each part of the procedure).

Step	Detail	Date Completed
1. Preliminary Assessment of the case	Commissioning Manager discusses with Employee Relations to verify if a formal investigation is needed, or if matter can be addressed informally.	
	Commissioning Manager records outcome of preliminary assessment of case on form at Appendix A.	
2. Appointment of Investigating Officer	Where requirement for a formal investigation identified, Commissioning Manager compiles the allegations, or identifies the grievance (whichever applies), and contacts Employee Relations to request an investigating officer from the pool of trained officers.	
	Employee Relations identifies a suitable investigating officer from the pool and checks on their availability with their line manager.	
3. Identifying the scope of the investigation and notifying the employee(s)	Selection of the investigating officer is confirmed.	
	The expected timescale for the investigation is identified.	
	Commissioning Manager decides on the scope of the investigation and records this on form at Appendix B and passes to Employee Relations for comment.	
	Once finalised, Commissioning Manager passes form detailing scope to the Investigating Officer.	
	Commissioning Manager lets the relevant employee know that a formal investigation is going to be undertaken and also lets the complainant know, as applicable.	

4. Commencing and undertaking the Investigation		
	Investigating Officer compiles an investigation plan (see Appendix C).	
	Investigating Officer commits to keeping the key parties informed of the progress of the investigation on a weekly 'check-in' basis (the various dates to be entered in the box on the right).	
	Investigating Officer issues a letter to employee inviting them to a formal meeting (or to submit a statement, as applicable), with the right of accompaniment detailed in the letter (Appendix 1 for conduct and Appendix 4 for grievance cases).	
	Investigating officer holds the meeting with the employee, to seek a response to the allegation/complaint, or details of their grievance.	
	Investigating Officer gives employee copy of record of meeting for agreement and signature (Appendix D).	
	Investigating Officer issues a letter to complainant (as applicable) inviting them to a formal meeting (or to submit a statement, where applicable), with the right of accompaniment detailed in the letter (Appendix 2).	
	Investigating Officer holds meeting with complainant, as applicable.	
	Investigating Officer gives complainant copy of record of meeting for agreement and signature (Appendix D).	
	Investigating Officer issues a letter to any witnesses inviting them to a formal meeting (or to submit a statement, as applicable), with the right of accompaniment detailed in the letter (Appendix 3 for conduct cases and Appendix 5 for grievance cases).	
	Investigating Officer holds meetings with any witnesses, as applicable.	
	Investigating Officer gives witnesses copy of record of meeting for agreement and signature.	

5. Compiling the Investigation Report	Investigating Officer undertakes any follow up meetings with any of the above parties as required.	
	Investigating Officer gathers in any other relevant information such as documentary evidence, before concluding the investigation.	
	Investigating Officer compiles the investigation report (Appendix E for conduct and Appendix F for grievance cases), attaches copies of all relevant evidence to the report and includes any recommendations in the report, as applicable.	
	Investigating Officer passes their completed draft report to their assigned People and Organisational Development Adviser for any comment.	
	Investigating Officer passes their finalised investigation report to the Commissioning Manager, and a copy is given to the People and Organisational Development Adviser.	
6. Outcome of the Investigation	Investigating Officer notifies employee of the outcome of the investigation in writing using appropriate letter at either Appendix 6 or Appendix 7 if a conduct investigation, or letter at Appendix 8 if a grievance investigation.	