

THE FIRST 5 STEPS TO TAKE IF YOU ARE ASKED TO DO A WORKPLACE INVESTIGATION

In the words of Stephen Covey, "Start with the end in mind". What is your ultimate goal? A number of allegations may have been raised, and a lot of examples and scenarios may be cited, but try to see through the noise and distractions and focus on the end point: delivering a fair and reasoned report on your findings.

STEP 1:

Take time to read through the allegations and any background information you have been given. What specifically are the allegations that have been raised? What policies are they in breach of? Who are they against? It is very important to identify and separate specific allegations, because this will impact the questions you ask, the information you consider, and the findings and conclusions you present. Your main focus during the investigation is to gather and document evidence, enabling you to conclude whether the allegations should be upheld or not.



STEP 2:

Get yourself a copy of the Acas code of practice, and read it.

This is available at <https://www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures>. Acas also have a guide that you can use alongside the code if you want more guidance on conducting an investigation. Your business is likely to have its own grievance, disciplinary or capability policy, so read this as well. Should the case you are investigating end up at an Employment Tribunal, you will be asked if you have read the Acas code of practice.

STEP 3:

Reflect. If you have been asked to undertake an investigation, someone in your organisation has already taken the decision that an investigation is warranted. However, make sure you agree with them before taking any further action. Should the case end up at an Employment Tribunal, you will want to be certain that you are acting reasonably and consistently. Ask questions to ensure you agree the correct process is being followed.



STEP 4:

Once you are satisfied that the correct process is being followed, ask for Terms of Reference for the investigation from either your HR contact, or the manager who has commissioned the investigation. They need not be lengthy, but should contain:

- Basic background information about the allegations;
- Any documents supplied with the allegations or relevant to the investigation;
- The scope of the investigation;
- The requirements of the investigation such as potential interviewees and any other evidence to be gathered, based on the allegations ;
- The proposed timescale of the investigation.

Check you agree with the points it contains, paying specific attention to whether you agree the allegations are specific enough, and that the time scales involved are feasible for you, and in line with your organisation's disciplinary or grievance policy.

STEP 5:

Plan your investigation.

- Consider any additional information you wish to see before you begin speaking to key personnel involved in the investigation.
- Identify who are the most important people to speak to first, starting with the person who has raised the allegations.
- Map out the evidence you need to gather in order to make a judgement on whether or not to uphold the allegations you have been tasked to investigate
- Give yourself time between interviews to amend or add topics or questions as new information arises. Happy investigating.

