



Investigating a Complaint

Proper use of an investigation

- After a formal complaint or grievance has been made
- As soon after the event as reasonably practical (before memories fade)
- Undertaken quickly but carefully
- Will require co-operation of witnesses, other managers and HR department
- Subject of investigation should be notified confidentially and in person before the investigation starts, followed up by in writing.
- Should be in accordance with agreed procedures

Improper use...

- Investigating in secret
- Fishing trips, to try and uncover something to use against the individual
- Used as a threat (e.g. to try and encourage someone to resign)
- Interfering in the investigation process to manipulate the outcome
- Failure to cover all the angles (e.g. missing out a key witness)

Supporting information

Investigations can be aided by supporting information such as

- Contracts of employment
- College/School/LEA policies, procedures, collective agreements, guidelines etc.
- Minutes of meetings, reports, letters, e-mails, memos, etc.
- Custom and practice
- Whether there are any legal considerations/implications

Notifying the person being investigated

- Full nature of the allegation (but not witness statements and other evidence).
- Purpose of investigation meeting
- Date, time and venue
- Who will be attending and why
- The right to be represented
- The procedure being used (enclose copy)

Preparing for the interview

Prepare questions in advance. Your aim is to find out what happened so avoid closed questions (requiring yes/no answer) unless appropriate.

Examples of questions...

- Please describe what happened?
- Who else, if anyone, was present?
- What did you say /do, what did the other person say/do?
- How did you react to...?
- Do you have copies of the e-mail/letter/note/etc.

The interview

- Explain aims of meeting and role of those present (where applicable)
- Remind individual that meeting is not a hearing.
- Explain that notes will be taken and statement written up for individual to sign.
- Give individual a copy of the questions and explain that supplementary questions might follow.
- Remember, you are trying to establish the sequence of events; and uncover details of any witnesses, documents etc. that will help investigation.
- Do not cross-examine
- Keep the meeting friendly, taking breaks if needed.
- Invite the individual and/or representative to add anything at end of meeting.
- Read back the individual's answers if possible to ensure accuracy.

Preparing Witness statements

- Type up answers in the first person: *e.g. I met with my line manager on 12/2/04 – we discussed the proposed changes to the delivery of key skills and he asked me to email my proposals.*
- For easy reading, number each paragraph and make it a separate point.
- Send the statement to the member of staff ask him/her to agree/change, sign and date and send back.
- Ask for supporting documentation to be included.
- Give a reasonable deadline for the statement to be returned

Writing an investigation report

- Introduction - a brief paragraph on date of allegation/complaint; who investigated; who was interviewed; how the investigation was carried out; dates.
- The complaint/allegation - a sentence or two on the nature of the complaint.
- Summary of report recommendation(s) - a précis of findings and recommendations.
- Background - tell the story – stick to facts and known events.
- Evidence - a summary of the important facts as stated by each interviewee
- Findings/recommendation - the most difficult part – findings/recommendations based on what you believe to be the facts. May be recommendation of no case to answer, or informal warning, or disciplinary hearing at a particular stage.

Remember the standard of proof is “on the balance of probabilities” and the law requires you to hold a “reasonable investigation”.



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