INVESTIGATION GUIDELINES

Management Practice Guide

1. INTRODUCTION

This is a practical guide for managers responsible for conducting investigations ('Investigating Managers). Managers are strongly encouraged to obtain support and guidance from a relevant member of the People and Organisational Development (POD) department (referred to as HR Investigation Support) in relation to individual cases. From here on, 'you' refers to the manager responsible for conducting an investigation.

1.1 Purpose

Investigations are conducted to gather information in relation to an allegation or issue. Employers are required to demonstrate how and why they reached a particular decision, or recommended course of actions and whether or not they acted reasonably in accordance with the relevant internal policy or procedure.

Whilst the guide is primarily focused on dealing with allegations of misconduct under the relevant University Disciplinary and Appeals Procedure, the guidelines can also be used for investigations under other University procedures (for example, Sexual Violence and Misconduct Policy and Procedure, Grievance Procedure, Dignity and Respect Policy and Procedure) and adapted for use where appropriate to meet the needs of the circumstances.

Where the investigatory process considers allegations of harassment or sexual misconduct of a University student, the investigation must consider and comply with the OfS Condition E6: Harassment and Sexual Misconduct and the content of the University's Comprehensive Single Source of Information.

A thorough investigation, carried out fairly and consistently, will demonstrate that the University has acted reasonably and in line with the relevant University policy or procedure. This guidance is intended to ensure consistent, fair, and impartial treatment for all parties.

The Essential Elements of a Fair and Thorough Investigation

a) It is important to conduct investigations thoroughly and within a reasonable timescale.

b) Investigations must be conducted in an impartial and non-judgmental manner.

c) The primary objective of an investigation is to establish the facts i.e. what has happened and the full circumstances of the case.

d) In the course of the investigation, confidentiality must be maintained as far as is consistent with the matters being investigated.

e) The Investigating Manager will not be involved in hearing or determining the case if it proceeds to a formal disciplinary hearing but will normally attend to present management's case.

1.2 Scope

1.2.1 These guidelines are applicable to all Investigating Managers.

1.2.2 All parties involved in the procedures which this guidance relates to must ensure that they maintain, as appropriate, the confidentiality of the process within and outside the University.

2. PROCEDURE

2.1 Conducting Investigations – The Basics

If a decision is taken to undertake an investigation into allegations against a member of staff, an appropriate manager will be assigned to conduct the investigation (referred to as Investigating Manager). Individuals who are the subject of an investigation may be accompanied by a colleague or Trade Union official at any investigatory meetings.

As the Investigation Manager, you will hold accountability for the investigation process and your HR Investigation Support will support you specifically in providing advice and guidance to ensure adherence to policy and procedure, relevant legislation and the principle of fairness and consistency.

Investigatory questions should be prepared by you in advance of any investigatory interviews, and the People and Organisational Development (POD) department can provide a bank of questioning techniques / examples to support you in your preparation.

Your HR Investigation Support will also ensure that notes are taken of any interviews and if necessary, will appoint someone to undertake this task.

Investigation interviews should be conducted as promptly as possible before memories fade. There may also be a need to re-interview witnesses during the investigation process. Additional witnesses are likely to be identified during the investigation and should also be interviewed, where appropriate. In certain circumstances witnesses may be contacted for information without the need to attend an interview.

The individual(s) against whom an allegation has been made will ordinarily be advised of

the allegation **before** the formal investigation commences.

All witnesses (including the individual against whom an allegation has been made) must be advised of a suitable interview date and be given reasonable notice of this. The witnesses should be advised that the purpose of the interview will be to discuss in detail their account of a particular issue, and that their account may be shared with relevant parties should the matter progress to a formal hearing.

2.2 Investigation Process

2.2.1 Preparing for Investigation Interviews

2.2.1.1 At the outset of the investigation you should, with support from your HR Investigation Support (as necessary), identify:

a) details of the precise issue to be investigated, e.g. details of allegations made, etc;
b) evidence to be collected, (where evidence is likely to perish or be removed it must be gathered promptly). There are three main types of evidence (see box below). Note that where a criminal offence may have been committed, the evidence gathered for the disciplinary investigation may also be required for a criminal investigation and there may be a legal requirement to inform other agencies (e.g. Police, Health and Safety Executive, Disclosure and Barring service, Social Services). Your HR Investigation Support can guide you in these circumstances;
c) under which University policy or procedure, the investigation is being held;
d) Whether any support measures, including a risk assessment is necessary to support all parties involved.
e) for what purpose and by whom will any subsequent investigation report be used.

2.2.1.2 Evidence

You will also need to establish any evidence you need to collect to help you establish the facts of the case. Evidence may include:

a) Records – e.g. records of discussions outlining and reinforcing expected standards, records of training provided, records of timekeeping, attendance, etc, copies of University policies, computer records etc.
b) Management Statements – e.g. statements relating to specific, observed incidents, statements relating to level of conduct /performance, statement of the consequences/effect of the alleged behaviour/conduct, statements of discussions that have taken place with the individual or others relating to the allegation, etc.
c) Witness Statements

You must plan to interview any person identified who may be able to provide information relevant to the investigation (witnesses) including the person against whom the

allegations have been made. When carrying out an investigation and considering the extent of the evidence required, the investigator should keep in mind the nature and scope of the investigation and what is reasonable in the circumstances. This won't always involve turning over every stone, and investigators should remember the importance of balancing thoroughness with proportionality. In some circumstances, where there are a large number of people who witnessed the same incident, it may not be necessary to interview everybody, for instance; if their accounts are consistent then you may not need to interview other witnesses unless there are good reasons to believe they might have further information on the matter.

There are five main categories of witnesses (see below).

2.2.1.3 Witnesses

a) Witnesses (including the person against whom the allegations have been made) who were directly involved in the alleged incident;
b) Witnesses who were present at/observed the alleged incident but were not directly involved (e.g. other members of staff within a unit);
c) "Professional witnesses", i.e. individuals with specialist knowledge of a particular area/field. Such witnesses may be required in cases where the issues are of a technical nature and where you do not have expertise in that area;
d) Relevant line managers;
e) Any other person who is identified to have information relevant to the investigation.

2.2.1.4 In preparation for any investigation interview(s) you should:

a) Send all investigation meeting invitation letters and diary invites, ensuring that a suitable private room is available where the interview is to be held in person, to ensure confidentially and no interruptions. Or where the meeting is to be held via MS Teams, you should set up an online meeting ensuring the details of this remain private in your calendar;
b) ensure that all necessary information is available during the course of the interview, e.g. relevant documentary evidence etc.;
c) identify precisely what needs to be established from each interviewee. You will prepare a list or structure of questions in relation to the alleged incident / allegation; however, it is important to retain some flexibility in order that the answers given can be fully explored.

Managers should refer to Annex A, and contact their HR Investigation Support, for guidance on a standard structure for an investigation interview.

2.2.2 Notes / witness statements

Notes taken during an investigation interview are not verbatim but should record the facts and be written (within reason) in the language used by the witness following the train of

events. Any ambiguity or gaps in the account should be clarified with the witness. The notes should be typed, and the witness must be given the opportunity to review the notes and asked to sign them to confirm it as a true and accurate version of events.

Grammatical and small errors (such as a name misspelt) can be corrected but where notes are returned with alterations, then these should be retained alongside the note-takers version of the notes.

Refusal to sign the notes/statement should also be recorded. The witness should be made aware that if the notes are not returned within the specified timescale, and they do not make contact to discuss them, then they will be assumed to be an accurate reflection of the discussions that took place and that they do not wish to make any changes.

You may, in addition to an investigatory interview, wish to request witnesses to provide a written statement describing the alleged incident and any relevant background information in their own words and/ or ask specific questions of them to respond to.

2.2.3 Preparing a Written Outcome

On conclusion of the investigation, you will produce a written outcome. Where this is in report format, i.e. for Disciplinary Investigations, the report will summarise the issues investigated, what you have found, and include relevant documentation and written statements gathered in the course of the investigation (as annexes). The report will be submitted to another appropriate manager who will, decide whether there is a case to answer and whether a disciplinary hearing should be convened.

Your HR Investigation Support can provide templates and guidance to assist you in producing a written outcome.

3. ROLES AND RESPONSIBILITIES

3.1 For the avoidance of doubt, where a role title, department, faculty or professional service area is named and it is no longer in existence, it should be read as the equivalent role or department, faculty or professional service area. Should individuals remain uncertain, clarification can be sought from a senior member of staff within the management line.

3.2 Responsibility for applying the provisions of this guidance lies with the Investigating Manager, and the Deans/Directors/Heads of School/Heads of Departments, with People and Organisational Development (POD) department support as appropriate.

4. RELATED POLICIES AND PROCEDURES

Disciplinary and Appeals Procedure (Academic Staff)
Disciplinary and Appeals Procedure (Staff)

Grievance Procedure
Dignity and Respect Policy and Procedure

Condition E6 Single Comprehensive Source of Information

Dignity & Respect Policy Statement and Procedure for a Member of Staff to Raise a Complaint of Bullying or Harassment

Sexual Violence and Misconduct Policy

Sexual Violence and Misconduct Procedure (staff)

Personal Relationships Policy Statement and Procedure for Disclosing Relationships or to Raise Concerns (staff and student relationships)

5. REVIEW, APPROVAL & PUBLICATION

5.1 As a general principle, this guidance will be reviewed by People and Organisational Development department, in consultation with recognised Trade Unions after three years or where operational and/ or legislative requirements change.

5.2 This guidance will be published on the University policy zone web page and will also be accessible via the People and Organisational Development web pages.

6. ANNEXES

Annex A: Structure of the Investigation Interview

7. DOCUMENT CONTROL INFORMATION

Document Name	Investigation Guidelines
Owner	Chief People Officer, People and Organisational Development
Version Number	1.1
Equality Analysis Form Submission Date	01 December 2022
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Approved By	Chief People Officer, People and Organisational Development
Date of Commencement	2026
Date of Last Review	2026
Date for Next Review	2029
Related University Policy Documents	Disciplinary and Appeals Procedure (Academic Staff) Disciplinary and Appeals Procedure (Staff) Grievance Procedure Dignity and Respect Policy and Procedure Condition E6 Single Comprehensive Source of Information

	Dignity & Respect Policy Statement and Procedure for a Member of Staff to Raise a Complaint of Bullying or Harassment Sexual Violence and Misconduct Policy Sexual Violence and Misconduct Procedure (staff) Personal Relationships Policy Statement and Procedure for Disclosing Relationships or to Raise Concerns (staff and student relationships)
For Office Use – Keywords	

Annex A – Structure of the Investigation Interview

A1. Introduction

Explain the context of the interview, for what purpose the interview notes and subsequent statement will be used, how and when the individual will be able to check the notes / statements and the importance of confidentiality (witnesses should be advised that they should not discuss any details of the case outside of the investigation interview). Explain to interviewees that the investigation interview is not a formal hearing but inform witnesses that if the case results in a formal hearing, they may, on occasion be required to attend to give evidence and that their witness statement may be shared with relevant parties.

A2. Questioning

This involves a technique of using open questions (who, what, why, when, how, etc.), with closed questions (requiring a yes or no answer) being used to clarify points. Leading questions should always be avoided. When meeting with the member of staff against whom the allegation has been made, it is useful to ask whether they admit the misconduct. Where misconduct is admitted, the scope of the investigation will typically be reduced to consideration of the full circumstances including any mitigation.

Discuss and enquire into any additional information / evidence presented, whilst always returning to the prepared list / structure of questions.

Ensure specific examples are provided.

All questions should aim to encourage interviewees to recall their version of events in their own words.

When meeting with the member of staff against whom the allegations have been made, it may be useful to ask them to identify possible witnesses, questions, or issues to be raised with witnesses and to provide any documentation relevant to the issues being investigated. Consideration should then be given to whether these suggestions should be pursued.

A3. Information Gathering

At the end of the investigation interview you should have obtained from each witness:

a. the names of those present or involved; date / time / place of the alleged incident / allegation;
b. details of what took place, and the order in which they happened;
c. response(s) to any other documents or witness evidence which is inconsistent with their account;
d. the steps taken since the alleged incident / allegation, including any steps taken to resolve;
e. where the investigation relates to a complaint/grievance, a preferred resolution should also be explored.

A4. Summarising

Once questioning is complete, re-cap and clarify the main points of discussion and answer any appropriate questions or concerns raised.

A5. Closing Statement

Explain the next steps: the individual will be issued with a copy of their statement and will have the opportunity to review this for accuracy, and to suggest amendments. They will be asked to sign the statement. Explain when the investigation is expected to be completed. Ensure that your contact details are provided and ensure that the member of staff understands that they need to maintain confidentiality. Provide information on what the next steps are, and how matters may progress dependant on the possible outcomes.