

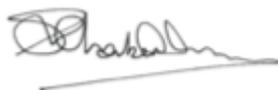
SUSPENSION AND DISCIPLINARY INVESTIGATION GUIDANCE

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Disciplinary Investigation Guidance

Introduction

This guidance is for the use of the CEO, Headteachers, Managers with delegated authority and Academy Committees/Trustees where the suspension of a member of staff is being considered under the Discipline and Dismissal at Work Policy or the authorisation of a Disciplinary Investigation. It is also a resource pack for managers who have been appointed to act as investigating officers.

It sets out the recommended processes to be undertaken in those circumstances. This guidance does not form part of the Disciplinary Policy and Procedure.

Part 1

Process for Suspending an Employee

Suspension from duty may be considered under the provisions of the disciplinary procedure for a number of reasons:

- To allow for a thorough and proper investigation to take place which otherwise could be hindered by the presence of the employee.
- Where the employee's continued presence in the workplace would be untenable, particularly where there is a risk to pupils/clients and/or staff, or to the establishment itself.
- Where allegations of gross misconduct, if substantiated, could lead to summary dismissal.

The CEO, Headteachers and Chairs of Academy Committees/Trustees have delegated authority to authorise a suspension.

Consideration should be given to whether it may be possible to implement alternatives to dismissal such as redeployment or restricted duties or safeguarding arrangements put in place. .

Advice should be sought from the HR service provider on the procedure, although they do not have to be present at the suspension meeting.

The employee should be advised that they may be accompanied by a trade union representative or by a work colleague, if this is possible within the time available but the suspension meeting should not be delayed significantly to allow their attendance and may be carried out without it.

A suspension is not part of an investigation and therefore the allegation should not be discussed in detail, beyond explaining what the allegations are and why the suspension is being put in place.

Suspension is not a disciplinary sanction or punishment; it is put in place to allow an investigation to be effectively conducted and does not imply guilt or blame.

Suspension from duty should be for as short a period as possible. A lengthy suspension can have unjustifiably adverse impacts on employees and there are cases of employers losing Employment Tribunal cases

A suspension can be conducted over the telephone or by letter, in particular circumstances, where it is not possible to see the employee. This is not a course of action that is normally recommended and should only be taken following advice from HR.

An individual can be suspended at a later stage in an investigation if it becomes apparent that the situation is more serious than initially thought or if allegations of gross misconduct emerge. Conversely, if evidence comes to light in the investigation that indicates the suspension may no longer be justified, e.g. if the alleged issues were less serious than first appeared or gross misconduct can be ruled out of the allegations then the suspension can be lifted.

An employee who is suspended will be paid normal contracted pay and must remain available to meet with the investigating officer as required. If they are sick or wish to take annual leave, they must follow the normal procedures for notification or request, respectively.

Whilst the suspension is in force the employee should not contact pupils, parents, clients or employees of the Trust to discuss the reasons for the suspension, although social contact may be permissible depending on the circumstances. Advice should be sought from the contact person if the employee wishes to make any form of contact. This does not affect the employee's right to have access to individuals or information to present their case should the matter move forward to a disciplinary hearing. This should be dealt with through the contact person.

The suspended employee will be allocated a contact person by the suspending officer with advice from HR. Other support may be available. The Trust has an Employee Assistance Programme, (EAP) in place and it is good practice to give out its details to the suspended employee so they can access it if they wish to. Teachers can also access support from the Teacher Support Line, www.teachersupport.info or 08000 855 088.

The details of the suspension and requirements upon the suspended employee will be confirmed in a letter from the suspending officer as should details of how to contact the EAP, if appropriate.

The “Guidelines for Headteachers/Managers – Dealing with suspensions” and “Suspension Checklist”, set out in appendices 1 and 2 respectively, can be used as prompts and records when a suspension is carried out.

Process for Conducting an Investigation in accordance with the Disciplinary Procedure

The purpose of an investigation into disciplinary allegations is to establish whether there is sufficient evidence that misconduct has taken place, through obtaining detailed facts, witness accounts and information. This information gathering will support a decision as to what, if any, further appropriate action is necessary, and will involve the employee and any other relevant staff.

In all stages of the procedure, an employee has the following rights:

- the circumstances regarding an allegation shall be appropriately investigated
- before any disciplinary hearing the employee shall be advised of the details of any allegation and given the opportunity to prepare and state his/her case
- the employee shall be informed of his/her right to be accompanied at any formal interview held as part of the investigation process or hearing by a Trade Union rep, or colleague.

There are a number of stages involved in the investigative process and these are detailed in the sections below:

1: Is an investigation necessary?

Before commencing an investigation the CEO/Headteacher/Chair of Academy Committees/Trustees should consider if it is necessary to investigate, or whether the issue could be resolved by an informal discussion. Factors to consider include:

Do any policies or procedures require an investigation to be held?

How serious or potentially serious is the matter? The more serious the concern then the more likely it is that a formal investigation will be necessary.

Might a preliminary investigation help?

This would be limited to gathering some immediate appropriate evidence but the Trust must be careful that this does not turn into a formal disciplinary investigation

If the investigation is necessary, then the Trust should act promptly and avoid unnecessary delay, which may cause memories to fade or give a perception of an unfair process.

No-doubt scenarios

There may be cases where the employee has been caught “red-handed” or admits the offence at the outset. An investigation still needs to be conducted in these situations but it can be scaled down proportionately and enquiries may still need to be made regarding admission, mitigation and previous conduct.

2. Choose an investigating officer

Considerations for choosing the investigation officer will include the level of potential complexity of the case and therefore the experience required of them.

Avoidance of bias is another important consideration: the investigating officer will ideally be someone outside the immediate work area with no prior involvement, however it is recognised that this is dependent on the Trust’s resources and that there are occasions when those resources do not allow the option of a completely independent investigator.

It is also crucially important that the investigating officer is available to commence and complete the investigation in a timely manner.

3: Advise the employee that they are being investigated

This will normally be done face to face and confirmed in writing. It is usual for the employee to be informed at this stage of the nature of the allegations to be investigated but there are some exceptions to this rule, and the Trust does have the right at this stage to decline to give full details of the allegation or to provide broader less specific details of the allegation. However, if the matter proceeds to a disciplinary hearing the employee must know sufficient details of the allegation to be able to state their case. Examples may include where there is police involvement or where there is a need to obtain some unsecured evidence before it is tampered with. This might include computer records.

4: Allegations/Areas to be investigated

The allegations/areas to be investigated need to be established at the outset of the investigation by the CEO/Headteacher/Chair of Academy Committees/Trustee who commissions it. It will then be for the investigating officer to conduct a balanced investigation into the pertinent details. The Headteacher/Chair of Academy Committees/Trustees should have no involvement in the investigation itself. Where the Investigating Officer identifies other concerns during the period of the investigation over and above those originally identified, they must refer this to the Headteacher/Chair of Academy Committees/Trustees. The Investigating Officer will then also investigate the additional concerns if directed to do so by the CEO/Headteacher/Chair of Academy Committees/Trustees. The employee will be advised of the additional allegations as soon as is practicable.

When any misconduct by a member of staff involves matters relating to financial irregularities, the Trust may refer the matter to their auditors. They will then determine whether it is appropriate for them to undertake their own independent audit.

The police must be notified in situations where it is believed that a criminal act has occurred at work. In some circumstances the Police may request that the Trust cease the internal investigations being undertaken.

The Local Authority Designated Officer, (LADO) must be notified immediately in respect of concerns regarding the safeguarding of children and young people, or the Safeguarding Vulnerable Adults Manager in respect of concerns regarding the safeguarding of vulnerable adults.

The investigation should be fair and balanced, including any relevant mitigation or accounts in defence of the employee being investigated and it should not be used to 'build' a case for dismissal, even though as a result of the findings, dismissal may occur.

5. The investigation:

Action Plan/Timescales

The Investigating Officer should consider what policies/procedures they may need to consider or take into account, which members of staff they intend to speak to, what documentary evidence they may need to gather and from where, and what timescales they intend to adhere to. Setting out these thoughts at the onset of the investigation should help an investigating officer keep their focus and not become lost in the detail or side-tracked. It is possible that more names of witnesses will emerge as the investigation goes on and other potential sources of evidence may also emerge so the plan needs to be flexible; it is impossible to predict the exact flow of the investigation. Nevertheless, a plan remains a good idea to keep you on track. A template for a plan is attached to the guidance at appendix 3. The investigating officer will need to form an initial view as to how detailed or far-reaching the investigation needs to be in order to ensure that a fair and reasonable process is undergone. This initial view should be reviewed at regular intervals as circumstances and evidence may require the approach to be re-thought.

Timescales are important and the quicker an investigation can be dealt with the better. If the investigation takes an unjustifiably long time this may open up the employer to successful legal claims such as constructive unfair dismissal. It is normally recommended that an investigation no longer than 6 weeks. Some will be more complex and take longer, but any reasons for delay should be noted. It is always recommended that a timeline of actions taken be kept, along with a note of the reasons for any delay.

6. Carrying out the investigation

There are various checks and tasks that should be undertaken as part of the investigation. These are the main ones but the list is not exhaustive: -

- **Personnel file** – check to ascertain whether there have been any previous disciplinary warnings, Letters of Expectation or management advice. If there are these should be included in the report, and copies of letters attached as appendices. Such documents may only be used in the case of expired warnings, as proof that the employee was made aware of the expectations regarding their conduct, improvement required etc. They cannot be used to escalate the level of action. Where the warning is live then the warning can be used to escalate the level of sanction. This is a consideration for the hearing officer in terms of an investigation outcome but may need to be borne in mind in drafting the investigation report.
- **Policies & procedures** – that relate to an allegation and that have been potentially breached should be checked. If a policy has been breached copies of that policy should be retained and included in appendices. The employee, when they are interviewed should be asked whether they are aware of the policy, through reading it or otherwise being notified of key content e.g. through training or manager briefing. If the employee has or has not seen the document, then this must be a statement made in the report. If the employee denies knowledge of the policy the investigating officer should check whether they have ever signed for receipt of the document or, for new staff if it is recorded on the induction checklist. If it is clear that the employee has not seen the document, then consideration needs to be given to whether not seeing it would have influenced their actions.
- **Supervision notes/discussion with line manager** – to check whether, in their view, the employee is aware of what is expected of them in terms of relevant conduct, particularly where the matter is not directly covered by misconduct. Also, this is an opportunity to ask questions about the employee's previous conduct from the line manager's view; both positive and negative. This can be asked in general terms but there may also need to focus on conduct or behaviour relevant to the allegation and any remedial action taken. If issues have been discussed with the employee, then it will be necessary to include evidence of these discussions in the report. Equally, it should be noted if they have not. If the manager states that they have spoken to the employee about related behaviour but there is no documentation/written evidence a statement should be taken from the manager and they may have to be called as a witness to state that they have had certain discussions with the employee.
- **Documentary evidence, including electronic evidence:** This could include for example letters, reports, e-mails, records of internet access etc.
- **Witness statements/interviews** – The next step is to speak to members of staff who have witnessed or are aware of the incidents that are being investigated. If possible, witnesses should be asked to complete a statement as soon as possible, prior to meeting with them, to explain what they have witnessed. Any interviewing or questioning can then build on the statement, assisting in the prompt completion of the investigation. A request for the witness to do this should be one of the first tasks undertaken during an investigation, although the employee subject to the investigation can also request that other witnesses be interviewed. This may arise at the outset of the investigation but there is no guarantee of that. The investigating officer will need to clarify why the witness names have been put forward in this scenario as they will need to take a judgement as to whether the witness is relevant and should, therefore be seen. Meeting dates should be pre-booked. All witness statements and interview notes should be signed and dated by the witness. All statements taken should be included as an appendix to the report. The statement will form the basis of questioning. In exceptional circumstances,

witnesses may be supported by a colleague or trade union representative at this stage, so long as there is no conflict of interest, e.g. if the union rep is also acting for the employee being investigated. In the case of the employee being investigated the Trust policy states that they have the right to be represented by a trade union representative, work colleague or friend

When taking statements from witnesses the following are important:

- date, time and place of each or any observation or incident
- relevant evidence such as knowledge of a system or practice, the reason for the presence of the witness and why certain small details are memorable
- An investigating officer needs to be mindful of a witness' possible motives. The relationship between the witness and the employee being investigated; this may be important if there is antagonism between them that might affect the evidence provided. In other cases, it might be necessary to test the relationship between witnesses, e.g. in cases where there may be fears of witness collusion. The investigating officer may need to make tactful enquiries into the relationship between a witness and any employee involved in the matter, as this may affect the credibility of the witness' statement, either by asking the witness themselves.
- Care needs to be taken about the tone and phrasing of enquiries, particularly in the case of witnesses who are not under investigation.

If it is necessary to interview pupils, care must be taken; the pupil may believe themselves to be in trouble, or they may be frightened and/or not understand the need for confidentiality. Interviews should take place as soon as possible, individually and with a responsible adult also present. If it is necessary to interview a pupil again, then it may be appropriate to ask if the pupil's parent or carer also wishes to be present, on the understanding that they too are bound by confidentiality.

Throughout the investigation it may be necessary to test evidence given by a witness and you may need to return to any stage of the investigation. The whole process is confidential, and it is therefore necessary to inform anyone involved that any discussion you have with them should be treated as such. The format for how to deal with investigatory meetings is detailed at appendix 4. Additionally, investigatory interviews tips and techniques are provided at appendix 5.

7. Problems that may occur during the investigation

Reluctant witnesses

Some potential witnesses may be reluctant to provide evidence for an investigation. The investigating officer should explore why a witness is reluctant to give evidence and seek to provide reassurance and resolve any concerns the witness has. Where possible the investigating officer should avoid anonymising witness statements. It may disadvantage the employee under investigation, who will be less able to effectively challenge the evidence against them. Also, if the matter then leads to legal proceedings it may be that the identity of the anonymous witness will need to be revealed. Advice should be taken from Central HR department before any agreement is given to anonymise witness evidence.

Handling a refusal or failure to attend an investigation meeting

If an employee refuses to attend an investigation meeting, the investigating officer should try to find out why and see if there is a way to resolve the issue. If for example the employee is unable to attend due to ill health then the investigating officer may consider re-arranging the interview.

If the investigating officer considers that the reason for not attending is inadequate or otherwise not legitimate they might remind the employee that failure to attend a meeting could be viewed as refusing to obey a reasonable management instruction, resulting in disciplinary action. Additionally, in these circumstances the investigation will need to be completed as thoroughly as possible without the employee's input and the investigating officer will have to advise the employee of that fact.

8. Evidence gathering and review

In gathering the evidence the investigating officer should consider how what they have collected both supports and contradicts or undermines the allegations, in order to conduct a balanced investigation. Once evidence is collected the investigating officer should analyse it and consider:

- What does the evidence reveal?
- How credible and reliable does each piece of evidence appear?
- Is the evidence supported or contradicted by evidence already collected or vice versa?
- Does it suggest any further evidence needs to be completed?

It may be necessary to revisit some evidence gathering steps to test out some of that presented. This will be a judgment call based on the believed importance of the evidence balanced against the need to complete the investigation. It is useful to bear in mind the standard of proof required in a disciplinary hearing. The standard is on the balance of probabilities, i.e. is the event more likely to have happened or more likely to be true.

9. The investigation report

Once the investigating officer believes they have collected the evidence to the required depth and have established the facts of the matter as far as reasonably possible they will need to produce an investigation report that explains their findings.

The investigation report should be a balanced document that covers all the facts that were established that both support and undermine the allegation and outlines whether there were any mitigating circumstances that need to be taken into consideration.

Generally, all evidence gathered should be included in the report or its appendices as failure to do so will leave the investigation open to accusations of bias. The investigating officer may seek advice from HR but the conclusions contained in the report must be their own.

In terms of the report itself a consistent structure for the report should ensure coverage of all the key issues and that all the investigation findings are included. An investigation template (appendix 7) is attached to this guidance and this will form the basis for the completed investigation report

There are a number of useful points to bear in mind in the investigation report additional to the structure of it. The report will relate to a serious issue and may be subject to challenge from the employee or their representative. It should therefore:

- Be written in an objective manner
- Avoid jargon
- Use the same form of address for all people referenced
- Use appropriate language
- Be factual
- Be concise

- Explain how the investigation was completed and why (see appendix 7 section 5: format of investigation)
- Explain any acronyms
- Include all evidence that was collated and clearly cross refer to it
- Explain the findings and draw a conclusion from that, including any recommendations for further action.

Once the investigation has been completed the Investigating Officer will need to submit a report to the CEO/Headteacher or Chair of Academy Committees/Trustees. It is recommended that the Investigating Officer discusses his/her findings with Central HR before submitting their report.

If the recommendation is to go to a disciplinary hearing the investigating officer will be required to attend and present their findings.

Guidelines for CEO/Headteachers/Managers – Dealing with suspensions

The following guidance is to assist the CEO/Headteachers/Managers in the process of the suspension of an employee.

1. Have a colleague with you at the meeting to take brief notes if necessary and use the suspension checklist (to be retained as a record).
2. Advise the employee that they can be accompanied at the meeting. The suspension should not be significantly delayed if the employee is unable to find representation. A representative can be a Trade Union Representative, a colleague or a friend.
3. Tell the employee of the allegations and note their comments. Any notes taken will be made available to the employee if requested.
4. Explain why the suspension is proceeding. Ensure that you include the following:
 - The investigating officer will contact the employee to arrange to see them as well as possibly seeing other members of staff.
 - The employee will have the opportunity to give their explanation regarding the allegations.
 - Explain the possible outcomes after the investigation is completed i.e. disciplinary hearing, management advice or suspension lifted and re-introduction into the workplace.
 - If the matter is to go to a disciplinary hearing the employee should be advised to seek representation.
5. Explain the investigation will be conducted within the shortest possible timescale and they will be kept informed if there is any undue delay.
6. Advise the employee that the suspension has been approved by the CEO/Headteacher/Chair of Academy Committees/Trustees to allow prompt completion of the investigation and that it does not imply guilt or blame.
7. Confirm suspension is on normal contractual pay. If there are any queries, they should contact the contract person.
8. Whilst the suspension is in force the employee should not contact pupils, parents, clients or employees of the Trust or discuss the reasons for the suspension if contacted by them. Advice should be sought from the contact person if the employee wishes to make any form of contact, although social contact will normally be permitted depending on the circumstances. This does not affect the employee's right to have access to individuals or information to present their case should the matter move forward to a disciplinary hearing. This should be dealt with through the contact person.
9. Explain to the employee that they must remain available during the period of the suspension so the investigating officer can arrange a time to meet with them.
10. A contact person will be arranged for the employee who will initiate and maintain contact with them throughout the period. The name and telephone number of this person will be notified to the employee. A further, backup, contact person will be appointed in the event of the absence of the original contact person.

11. If the employee is employed to work in school holidays and they wish to book annual leave this should be done through their contact person. Check with the employee if they have annual leave already booked to advise the investigating officer accordingly.
12. If the employee is sick during this period, they must report this in the normal way, through the contact person. Medical certificates will need to be provided in the usual manner.
13. Recognise this may be a particularly stressful time for the employee and they may wish support for this. This can be arranged through the contact person and in discussion with the HR provider.
14. Once the investigation has been completed the employee will be notified. If it is felt necessary for a disciplinary hearing to be arranged, the employee will be advised in writing of the date and the procedure to be followed.
15. Check the telephone number and home address of the employee for correspondence.
16. Advise the employee that they will receive a letter to confirm all of the above.
17. A copy of the Disciplinary procedure should be provided to the employee.

NB - No recognised Trade Union Official should be suspended without prior notification/discussion with the Trade Union and HR..

Suspension Checklist

Name of employee.....Date.....

- Employee should be accompanied by someone if available
- Name of representative/accompanying person:
- Employee informed of allegation(s)
- Why suspension is proceeding and the process
- Timescales Explained
- Approval of CEO/Headteacher/Academy Committee/Trustees
- Explain Suspension is to allow investigation and does not imply guilt
- Suspension on normal Contractual pay
- No contact with Pupils/Parents/Clients/Colleagues regarding suspension or discussion if contacted
- Not to return to work place
- Not to undertake other duties with Trust
- Return keys, Pass, Records (as appropriate)
- Explain availability during investigation
- Details of Investigating Officer (if known)
- Explain role of contact person

Details of contact person, if known:

-
- Annual leave/sickness absence notification
 - Copy of the Disciplinary policy provided for the employee
 - Issue Counselling/EAP Details if appropriate
 - Employee will be informed at the completion of the investigation
 - Confirm home address

Address:

Telephone No..... Postcode:

- Explain follow up letter to employee to confirm the above
- Confirm with Central HR that suspension notification process has been completed

An example of an investigation plan...

Investigator	John Smith
Terms of reference	To investigate a concern raised by Andrew A that Annie S has been drinking alcohol on duty on a number of occasions
Provisional time-frame	Started on 1 June 2017 Report to be completed by 27 June 2017
Policies and procedures to review and follow	Drug and Alcohol Misuse Policy Disciplinary Procedure
Issues that need to be explored/clarified	Why does Andrew A believe that Annie S has been drinking on duty? What indicators has he noticed? What are Annie's responses to the allegations?
Sources of evidence to be collected	Is Andrew the only person who has noticed or have others to his knowledge. Who? Is anything recorded on the personal file?
Persons to be interviewed (including planned order of interviews)	Andrew A 5 June 09.30 Annie S 9 June 2017 Other potential witnesses may be identified during investigatory meetings and will need to be factored in.
Investigation meetings further arrangements (When/where/notes to be taken by)	Meeting room 1 booked 1 and 8 June 2017 Note taker
Persons to supply own statement	Pat K, Annie's line manager
Investigation meetings to be completed by	21 June 2017
Collection of evidence to have been completed by	21 June 2017
Further considerations	Annie S is on paid suspension while investigation being conducted

Conducting investigatory interviews

Before the interview

The investigating officer should:

- Plan questions; this should be based on how the investigating officer believes the interviewee may be able to help
- Book an appropriate time and venue for the meeting
- Write to the employee to invite them to the interview, including right of accompaniment where the interview is with the person being investigated.

At the interview

The investigating officer should explain:

- Who is present and why
- Their own role
- The purpose of the meeting
- The need for confidentiality during the investigation
- That the interviewee's witness statement/interview notes will be used in an investigation report
- Who will see the interviewee's statement

During the interview

The investigating officer should:

- Ask questions to gather the facts/interviewee's account of the matter
- If necessary, ask follow-up/probing questions – this should be done in a sensitive non-adversarial manner
- Record/note responses or any refusal to respond (If the meeting is being voice recorded this is less necessary but the investigating officer is still advised to take notes for their own reference)
- Seek evidence to substantiate the information provided

At the end of the interview

The investigating officer should:

- Check if the interviewee has anything they want/think is important to add
- Ask if they think other witnesses should be interviewed and why
- Explain that the interviewee may need to be interviewed again
- Explain that the interviewee will be provided with a copy of their notes/statement to check and confirm accuracy;

After the interview

The investigating officer should:

- Provide the interviewee with a copy of their statement and ask them to confirm its accuracy;
- Consider what important facts were gathered at the meeting and whether it supports or contradicts other evidence collated
- Consider whether based on the above any further evidence may need to be collated or interviews arranged.

Where the interviewee is the employee whose conduct is being investigated

The investigating officer should also:

- Give the employee the opportunity to ask questions
- Give the employee the opportunity to state his/her case
- Notify the employee of the next steps

Investigation meetings and interviews; tips and techniques

Ideally, an investigating officer will have received some formal training in carrying out investigations but the following guidance is set out with the aim of supplementing and refreshing an investigator's knowledge, skills and approach.

Listening

Effective listening is a vital part of conducting an investigation interview in that it helps an investigator get a better understanding of the person they interview and their point of view. Useful actions for the investigating officer are, therefore:

- Have a list of pre-planned questions to follow and tick off
- Maintain the focus on the reason for the meeting/interview
- Concentrate on what the interviewee says and listen for any points they are avoiding
- Acknowledging the employee through active listening e.g. nodding, verbal confirmation such as OK, I understand etc.
- Not talking over the interviewee

Body Language

Appropriate use of body language will help to engage with the interviewee and avoid antagonising or intimidating them. The investigating officer should therefore: face the interviewee and adopt a posture that is not seen as intimidating, e.g. not folding arms.

Maintaining appropriate level of eye contact but avoid staring or looking directly at the employee for too long as this can be seen as discriminatory.

Questioning Techniques

There are a variety of techniques an investigating officer may use to control the interview, and gather and test the credibility of information without intimidating an interviewee.

These are:

Open questions, such as explain to me what you saw, describe what happened, talk me through what you did. These can encourage an interviewee to open up and prevent yes/no answers, when the investigating officer is trying to get detail from the interviewee

Closed/specific questions; e.g. did you tell your manager that, what time did this happen, how many times did that happen. Closed questions tend to lead to yes, no or definitive answers. These can be helpful when the investigator wants to focus on specific issues or when trying to focus a nervous or overly talkative interviewee.

Probing questions: e.g. when you say they were aggressive, what do you mean by aggressive? You stated that you thought X had done this. Why did you say that? Also what else questions such as "what else can you tell me about what happened?" can be useful to ask

Probing questions can be employed to follow up accounts and to challenge inconsistencies but should be used sparingly to avoid appearing interrogative.

Questions about feelings: e.g. How did you feel about that, why was that important to you? Questions about feelings should be used sparingly as the focus will be on facts generally but can be used to reveal beliefs and indicate motivation.

Summarising: e.g. So can I clarify that what you are saying is....Have I understood correctly that you have told me.....Such questions provide an opportunity to clarify understanding and to prompt the interviewee to reflect on what they have said and correct inaccuracies, provide clarification if necessary.

Questions to avoid:

There are some questions it is nearly always best to avoid if possible. These include

Interrogative questions; e.g. why did you do that? “Why” questions may be necessary but can cause people to become defensive and close up. (In this example a better question might be “what made you decide to do that?”

Leading questions: E.g. Do you think that he was over-reacting, would you agree that? Leading questions can lead the interviewee to provide the answer the investigating officer hopes or expects to hear and can appear to carry a suggestion of bias because of that.

Multiple questions; e.g. what is your role, do you like it and why? These questions can confuse the interviewee and usually will end with them only part answering the question when they remember only the beginning, middle or end of it.

Strictly Confidential

CASE TYPE

[Academy Trust/School]

INVESTIGATION REPORT BY:

**Name of employee:
Department:**

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1. Personnel Involved

Name of Employee:	<name>
Name of Persons involved in incident:	Details of Witnesses
Name of employee's representative:	Name of Union rep/friend/colleague
Name of Investigating Officer:	<name>
Name of HR Advisor:	<name>

2. Introduction

- 2.1 This Investigation has been instigated as a result of allegations that <name> <detail of allegation>
- 2.2 On <date> <name> was sent a letter from <name>, <job title>, (see Appendix x) suspending him/her from work pending investigations into the above allegation. Or
- On <date> <name> was sent a letter from <name>, <job title>, inviting him/her to attend an investigatory meeting regarding the above allegation (see appendix x)
- 2.3 <name> was advised in the above mentioned letter of who his/her “contact person” would be throughout the period of suspension and also that this was a neutral act. (*****if applicable***)
- 2.4 During x period <name> carried out investigations into the allegations with relevant members of staff, in line with his/her role as investigating officer.
- 2.5 <name> attended an investigatory meeting on <date> in accordance with the agreed procedures, giving him/her the opportunity to state his/her case.(see appendix x)
- 2.6 As a result of the investigations, it is felt that:-
- for the allegation that <details>
 - for the allegation that <details>
- 2.7 As a result of the less serious nature of the allegations, <name> was advised in a letter dated <date> (see Appendix x) that his/her suspension was lifted. (*****if applicable***)

3. Employment History

<Name> was appointed on a <type of> contract as a <job title> at <place of employment> on <date>. <detail any relevant previous employment>

<Detail responsibilities, training etc, if appropriate> Include JD in appendices

<Name> was called to attend a meeting on <date> (**see Appendix x**) to be formally advised that his/her suspension had been lifted and to discuss his/her return to work. (****if appropriate**)

4. Details of Allegation

4.1 <detail of allegation(s)>

5. Format of Investigation

5.1 <Detail any suspension, if appropriate>

5.2 I, <name>, was appointed Investigating Officer.

5.3 <Name> was invited to attend an investigatory meeting on <date>, at which <name> was accompanied by <name, role of rep>. A number of questions were put to <name> regarding the allegations and he/she was given the opportunity to respond to these allegations. Notes of this meeting can be seen in Appendix x.

5.4 Following the meeting witness statements were obtained from <names> in relation to the allegation (see Appendix x)

6. Findings of Investigation

6.1 <Detail investigating officer's findings>

6.2 It is felt that sufficient evidence is held to support the allegation that <name> <detail allegation(s)>

<consider including any relevant case law, or reference to Equality Act>

7. Conclusion

- 7.1.1 Having considered all the information available, it is believed that it is reasonable to decide that <name> has committed an act of <misconduct / gross misconduct / or another case to answer> and that this should be considered at a <disciplinary hearing, or other recommendation>.

8. Appendices

- Appendix 1 Chronology
- Appendix 2 Letter from <name> To <name> dated.
- Appendix 3 Letter from <name> To <name> dated
- Appendix 4 Letter from <name> To <name> dated
- Appendix 5 Notes of Investigatory Meeting
- Appendix 6 Disciplinary Procedure
- Appendix 7 Relevant policies