

Investigation Policy and Procedure

(Replaces Policy No. TP/WF/243 V.2)

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| POLICY NUMBER | TP/WF/243 |
| VERSION | V.3 |
| RATIFYING COMMITTEE | Well Led Committee |
| DATE RATIFIED | 20 June 2018 |
| DATE OF EQUALITY & HUMAN RIGHTS IMPACT ANALYSIS | 18 October 2018 |
| NEXT REVIEW DATE | 20 June 2020 |
| EXECUTIVE SPONSOR | Director of Human Resources and Organisational Development |
| POLICY AUTHOR | Head of Employee Relations & HR Business Partnering |

EXECUTIVE SUMMARY

This policy is designed to ensure that concerns regarding the conduct or performance of staff which require formal investigation are investigated in a fair and consistent manner. Such an investigation may arise during the operation of other policies such as Dignity at Work, Grievance or Freedom to Speak Up. The outcome of the investigation may lead to further action such as a disciplinary hearing or use of the Managing Performance and Capability Policy.

The policy identifies the circumstances in which an investigation will be necessary, the steps which should be taken in carrying out an investigation, the rights of staff during the process and potential outcomes.

If you require this document in another format such as large print, audio or other community language please contact the Corporate Governance Team on 0300 304 1195 or email:
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1.0 Introduction

1.1 Purpose of policy

The purpose of this policy and procedure is to ensure that concerns regarding the conduct or performance of staff, which require formal investigation, are investigated in a fair and consistent manner. Such investigation may arise during the operation of other policies such as Dignity at Work, Grievance or Freedom to Speak Up and will also usually be a preliminary step which may lead to action being taken in accordance with one of a number of Trust policies, e.g. the Managing Performance and Capability or Disciplinary policies.

The policy identifies the circumstances in which an investigation will be necessary, the steps which should be taken in carrying out an investigation, the rights of staff during the process and potential outcomes. The circumstances which give rise to the need for an investigation may also require consideration being given to suspending a member of staff, in which case the Suspension Policy and Procedure should be invoked.

1.2 Definition

An investigation is a fair and unbiased method of collecting evidence regarding allegations made against a member of staff prior to any formal action being considered. The process of investigation allows the employee the opportunity to answer any issues of concern raised against them and provide their own statement of events, together with any mitigation. Investigations are to be confidential.

1.3 Scope of the policy

This procedure applies to all substantive staff employed directly by the Trust. The policy should be used following allegations of misconduct under the Trust Disciplinary Policy or of harassment or bullying under the Dignity at Work Policy and an investigation may also be required during the operation of the Grievance and Freedom to Speak Up policies. This policy does not apply to bank workers, agency workers or contractors, (although this group of people may be called as witnesses in investigations) unless the issues relate to the Dignity at Work Policy. However, should a substantive member of staff be working a bank shift at the time of the incident then this policy will apply. There may be occasions where this policy is overridden by specific procedures laid out in other policies.

The separate [Suspension Policy](#) sets out how to deal with the possible need to suspend a member of staff during an investigation.

1.4 Principles

The Trust aims to ensure that where allegations are made against employees, it follows a fair and clear investigation into those allegations. The Trust recognises that this can be a stressful time for employees and seeks to complete investigations in a timely manner. In most circumstances, the Investigating Officer will endeavour to conduct the investigation within 12 weeks of being appointed. A formal review in person or by skype etc. will be held at 6 and 10 weeks with the Case Manager, Human Resources (HR) lead and, where applicable, the trade union representative. An employee being investigated has the right to be represented by an accredited trade union representative or to be accompanied by a fellow employee.

2.0 Policy statement

This policy is designed to ensure that concerns regarding the conduct or performance of staff which require formal investigation are investigated in a fair and consistent manner. Such an

investigation may arise during the operation of other policies such as Dignity at Work, Grievance or Freedom to Speak Up but will usually be a preliminary step which may lead to action being taken in accordance with another Trust policy such as the Managing Performance and Capability or Disciplinary Policy.

The policy identifies the circumstances in which an investigation will be necessary, the steps which should be taken in carrying out an investigation, the rights of staff during the process and potential outcomes.

3.0 Duties

3.1 Director of Human Resources & Organisation Development

The Director of Human Resources & Organisation Development is responsible for the implementation of this policy and is responsible for the provision of Human Resources support to Managers involved with investigations under this policy.

3.2 Head of Employee Relations & Business Partnering

The Head of Employee Relations and Business Partnering is responsible for ensuring the regular review of the effectiveness of the policy and for approving any amendments that may be required.

3.3 Executive Directors, Directors and Deputy Directors

Executive Directors, Directors and Deputy Directors are responsible for:

- the effective implementation of this policy within their care delivery service (CDS)
- providing resources for putting this policy into practice within their CDS
- ensuring that this policy is followed within their CDS and relevant timescales are adhered to.

In rare cases a Director or Assistant Director may act as Case Manager or Hearing Chair.

3.4 General Managers, Service Managers, Matrons and Heads of Departments It is the responsibility of Senior Managers to seek assurance that all employees in their teams are aware of this policy.

Senior Managers should also ensure that the roles and responsibilities of all Managers and supervisors relating to their involvement in investigations under this policy are clearly understood.

Senior Managers are likely to act as Case Managers or Hearing Chairs or, more rarely, as Investigating Officers.

3.5 Human Resources Business Partners and Seniors HR Advisors

Human Resources Business Partners and Advisors are responsible for providing professional support and guidance to Managers on the application of this policy, will provide training on the policy and will propose updates as required. A Senior HR Advisor will be nominated to liaise with the investigation officer for each investigation. In particular they will:

- give support and advice to management in the execution of this and related policies and advise on questions of employment law and procedure
- where necessary, attend investigation interviews to assist investigation officers. They will not attend as note-takers/liaise, and discuss matters arising, with trade union representatives in addition to the formal review meetings at 6 and 10 weeks
- support Managers in the presentation of findings.

3.6 Line Managers and supervisors when not acting as Investigating Officer

Line Managers and Supervisors must provide support for staff involved in this process. Line Managers and Supervisors should agree immediate and ongoing support with the staff member, for example, increased contact, occupational health support or access to the Employee Assistance Programme. This may also involve signposting to an external agency or organisation for further support.

Even if the line manager **is not** the Investigating Officer, they should nevertheless:

- be fully conversant with this policy and linked policies
- ensure confidentiality is maintained during an investigation to protect the integrity of an investigation and all staff involved
- maintain an impartial stance
- treat all staff involved in investigations with dignity and respect
- be up to date on their equality, diversity and human rights training.

3.7 Trade union (TU) representatives

Trade union representatives, otherwise known workplace representatives or as stewards, are elected representatives whose role includes representing members both individually and collectively. All stewards have basic training in representation and access to regular training courses. They can gain support, advice and information from their branch, paid union officials via their regional offices and their union's online resources.

3.8 All members of staff

All members of staff have a duty to co-operate with an investigation carried out in accordance with this policy and should be supportive of colleagues who report any untoward incidents or concerns to their line manager. They should also:

- ensure their and their Trade Union representative's availability for investigation interviews when requested.
- ensure they attend a formal hearing, if required as a witness
- if allegations are made against them, give a clear and concise account of their version of events, supplying any supporting evidence where necessary
- if an allegation is in regard to non-compliance of the Trust Employment Checks Policy, all relevant, original documentation in regards to the Right to Work in the UK, Disclosure and Barring Service (DBS) clearance/positive disclosures, proof of professional registration, must be shared with the Investigating Officer
- if an allegation is made against a colleague and they are invited for investigation interview, give an honest and first-hand account of events, supplying supporting evidence where necessary.
- Maintain confidentiality within all aspects of the investigation process.

4.0 Procedure

4.1 Conducting an Investigation

In all cases where an incident, allegation or problem regarding an employee has arisen and there may be a need for formal action, a fair and thorough investigation into all the circumstances will be undertaken. In most situations, however, there will be a requirement to complete an initial informal fact finding investigation to determine how the case proceeds. This should be completed wherever practicable within 2 working days by the line manager.

If, after discussion with HR, the outcome of the fact finding investigation is to progress to a formal investigation, the senior manager will identify a Case Manager (which could be themselves) who should appoint the Investigating Officer.

4.2 Roles

4.2.1 Investigating Officer

The role of the Investigating Officer is to conduct a fair, full, thorough and balanced investigation, focussing on the incident or allegations made, and to present the facts of the case, in an objective and unbiased way, in an impartial report to the Case Manager. The Investigating Officer should look for evidence that supports and/or undermines the allegations. The investigation will always be carried out with support from the HR department who will appoint a named HR representative to liaise with the Investigating Officer and provide coaching and training where required.

The Investigating Officer will be appointed by the Case Manager. Decisions about who will be the Investigating Officer will take into account time, capacity and experience. The Investigating Officer will be given dedicated time to carry out their remit within the time frames of the policy and should raise any concerns regarding capacity to complete the investigation on time with the Case Manager.

If it is not appropriate for the line manager to act as the Investigating Officer then a manager from another area should be appointed to investigate.

An Investigating Officer should:

- be given terms of reference by the Case Manager that set out exactly what they are expected to investigate
- aim to establish the facts of the matter by collecting relevant evidence, such as witness statements, written documents, physical evidence and a summary of findings
- be fully conversant with this policy and linked policies
- ensure that the member of staff is clear of allegations made against them
- organise investigation meetings and send out invitation letters
- ensure confidentiality is maintained during an investigation to protect the integrity of an investigation and all staff involved
- maintain an impartial stance and approach each investigation with an open mind
- treat all staff involved in investigations with dignity and respect
- be up to date on their equality, diversity and human rights training
- provide a note-taker to transcribe the notes of the investigation meetings
- keep the Case Manager, SHRA support, member of staff and trade union representative, where there is one, informed of progress

When conducting an investigation an Investigating Officer should:

- be provided with clear guidance on the allegations they are required to investigate as outlined in the Case Manager's letter
- plan how the investigation will be conducted and decide in what order evidence will be collected and who should be interviewed
- gather from the employee names of witnesses to be interviewed and any other supporting evidence they wish to be considered
- collect all relevant evidence and consider what the evidence shows
- liaise with HR throughout the investigation
- produce their findings in a factual and evidence-based report to the Case Manager for their decision

4.2.2 Case Manager (8a or above)

The Case Manager will oversee the entire case ensuring that the Investigating Officer is provided with the necessary time to undertake the investigation and that the process is progressing appropriately and timescales are being adhered to. The Case Manager will usually be a more senior manager to the individual's line manager. The Case Manager may also be the suspending manager (see Suspension Policy) and will usually be the person who informs the employee, in the first instance, of the allegations made against them and confirms this in writing.

The Case Manager is the general point of contact on issues around the investigation. On completion of the investigation, the Investigating Officer should submit an impartial, evidence-based report to the Case Manager, who will decide whether there is a case to answer or other action is required, for example using the Managing Performance and Capability Policy. The Case Manager will provide a written rationale for their decision.

The Case Manager appoints the hearing chair if the decision is to go to a hearing.

4.2.3 Hearing chair

The Hearing Chair should remain completely independent from the investigation. Their role is to consider evidence presented at the hearing and decide upon an appropriate outcome. See Disciplinary Policy for further information. The hearing chair will make the necessary arrangements, such as booking venues, sending letters, etc and provide a note taker.

4.2.4 Management roles in the operation of the Investigation Policy and Procedure

Further information on the various roles of Managers in the operation of the Investigation Policy and Procedure is contained in Appendix 1.

4.3 Informing the employee

Once the decision to hold a formal investigation has been made, the employee will be informed of this fact in writing by the Case Manager within three working days. They will be told:

- that the investigation is taking place
- the nature of the allegation

- the matters that are currently the subject of investigation, in as much detail as is possible
- the name of the Investigating Officer
- the anticipated timescale and their right to representation during any meeting to discuss the areas of concern
- The contact details of the Employee Assistance Programme

The employee will not, at this stage, have a right to see written complaints or witness statements. They will however have a right to have sufficient detail of the allegations to make a response when they attend the investigation meeting.

It should be established with the employee whether they would prefer to receive any related correspondence via recorded delivery or via password protected email.

*** Suspension - Please refer to the suspension policy for guidance

4.4 Planning the investigation

The purpose of the investigation is to review the specific incident or allegations made in a fair and equitable manner.

The appointed Investigating Officer should plan their investigation thoroughly, mapping out who needs to be interviewed. It is important to gather all facts relevant to the incident or allegation as quickly as possible, while events can be clearly recalled.

The employee and/or their TU representative may make suggestions as to who should be interviewed as part of the investigation. Should they be unable to/ or have a strong rationale for not interviewing those identified, the Investigating Officer must contact the employee and/or their TU representative and discuss. Should there be a difference of opinion on who will need to be interviewed then further advice should be sought from the Case Manager whose decision will be final.

The use of images from CCTV footage for an investigation or disciplinary purpose can be used. Additional footage can be requested by both sides and made available to view. Should there be a difference of opinion then further advice should be sought from the Case Manager whose decision will be final.

The Investigating Officer should ensure that a note-taker is available at all interviews conducted as part of the investigation. Normally the note taker will be provided by the CDS where the employee subject to investigation works. If the Investigating Officer encounters difficulty in obtaining a note taker they should refer this to the Case Manager.

Guidance and support from the appropriate HR representative will be available. Investigations should be concluded as speedily as possible but at the latest within 12 weeks. A flow chart is available in Appendix 2 for further guidance.

4.5 Additional Allegations

Should further information of a serious nature come to light during the initial investigation then the Investigating Officer will have a discussions with the Case Manager to determine whether to conduct a second investigation or widen the scope of the initial investigation.

4.6 6 and 10 week reviews

The Case Manager will be responsible for ensuring that a formal review will be held at 6 and 10 weeks with the HR lead and, where applicable, the TU representative. This can be done in person or by phone or skype.

Purpose of 6 week review:

- to gain a general update on progress
- to determine whether the 12 week timescale is going to be met and if not, why not
- to consider whether adjustments need to be made to the timescales
- where adjustments to timescales are required, to ensure that the reasons are outlined in writing to the employee

Purpose of 10 week review:

- to gain a general update on progress and determine whether the 12 week deadline is going to be met
- where an extension has been applied at the 6 week review, determine whether the extended date is going to be met
- where timescales are not going to be met, to determine the reason and ensure that these are outlined to the employee in writing

4.7 Involving other agencies or statutory bodies in the investigation

Depending on the nature of the allegations it may be necessary to involve other agencies or statutory bodies in the investigation. For example, where allegations relating to child or adult protection are raised, it will be appropriate to involve the relevant professionals from the local authority and the police. In particular, an allegation of abuse made against a person who works with children must be reported within 24 hours to the Local Authority Designated Officer under the provisions of local authority Child Protection and Safeguarding Procedures.

Where allegations of fraud are made it may be necessary to involve the Trust's audit and counter fraud teams in investigations. More detail can be found at <http://staff.sussexpartnership.nhs.uk/trust-news/1944-meet-your-local-counter-fraud-specialist>

It may be appropriate for some or all of the materials from the other agency's investigation to be included in the Investigating Officer's final report. There may be occasions when it is necessary to share the report with other agencies, such as the police, adult social care or professional bodies.

4.7.1 Criminal offences and police involvement

Where a criminal offence is alleged, the Case Manager will check with the police to obtain their advice on whether it is safe to proceed with an internal investigation, or parts of the internal investigation, in regard to the police's own collection of evidence. If the police request the internal investigation be put on hold this will be taken into consideration and discussed with HR. However it will not automatically delay or prevent investigation. Regular contact by the Case Manager with the police and/or Counter Fraud will be required to move the case forward with the view that cases will not be held for longer than eight weeks where possible.

4.7.2 Safeguarding involvement

Where a safeguarding alert is raised in conjunction with an allegation of misconduct, the safeguarding authority will hold a strategy meeting. It may be appropriate for the Investigating Officer to attend this strategy meeting. It is reasonable for an Investigating Officer to continue with their investigation alongside a safeguarding investigation, and, in discussion with union representatives, it may be possible to share some of the burden of investigation.

4.8 Meeting with the employee and other staff

The employee whose conduct is being investigated should **always** be interviewed as part of the investigation process and their comments recorded, signed and dated. If the employee does not return the signed notes within five working days, and without good reason, then unsigned notes may be entered into the investigation report. If the employee disagrees with the notes taken of their investigation meeting they should raise this with the Investigating Officer in the first instance, if no agreement can be reached then both versions of the witness statement will be included in the appendices of the investigation report.

At all times they will have the right to have an accredited trade union representative, or work colleague present. Employees who wish to have their own record of the meeting are able to make their own written notes. However, the use of recording devices is prohibited. The employee has the right to submit a written statement as part of investigation meeting. All staff who are being interviewed as part of the investigation will receive a letter of invitation to an investigation meeting.

Other documentation relevant to the case will be gathered: for example timesheets, relevant entries in patient records, training records, codes of conduct, Trust policies etc. Due care will be taken to maintain patient confidentiality where records are used as part of an investigation.

For investigations regarding non-compliance of the Trust Employment Checks Policy and Procedures, the employee must provide relevant documentation that they are in receipt of; this includes (but is not an exhaustive list) legal documentation for the Right to Work in the UK, DBS clearance or positive disclosures, proof of professional registration.

Where an investigation is into non-compliance of the DBS procedure/ process, it is important to discuss whether any cautions/ convictions are part of the employee's rationale for non-compliance. Whilst a positive disclosure in itself is not necessary a disciplinary offence (depending on the nature of the disclosure and the impact on the role being carried out and the Trust as a whole), all employees are required to comply with the Trust's DBS process to ensure the safety of patients and staff.

The Trust may be obliged to share information with outside agencies e.g. the Nursing and Midwifery Council (NMC) or Disclosure and Barring Service (DBS).

4.9 Completing the investigation

On completion of the investigation, the Investigating Officer will prepare a factual and evidence-based report and initially **share with the supporting HR representative**. The Investigating Officer will then discuss their findings with the Case Manager.

The Case Manager should then decide whether or not, on the basis of the Investigating Officer's report, there is a case to answer and whether further action should be taken. This could be either informal or formal action under the appropriate policy and procedure.

The above decision will be without prejudice to any actual hearing itself, if one is to be held. The member of staff should be informed promptly by the Case Manager of the outcome of the investigation and any further steps to be taken and ensure that their TU representative is also informed. On completion of the investigation, other parties, including witnesses do not have the right to access information contained in the report. The reports from investigations that do not proceed to formal disciplinary hearings will not be shared.

4.10 Preparing for a Hearing

Should the Case Manager decide that the case should proceed to a formal disciplinary hearing the Investigating Officer's report must be shared with the employee and their representative within 5 working days (subject to data protection and information governance). Permission to share personal information must be sought from the employee before it is shared with their TU representative.

The employee or their representative should contact the hearing chair if they feel there is a serious error of fact, omission or inappropriate inclusion in the Investigating Officer's report and ask for it to be deleted or removed. The hearing chair's decision shall be final. Should there fail to be agreement on the facts, the hearing chair will note the disagreements in the Investigating Officer's report. Alternatively this can also be addressed in the hearing.

An employee and their TU representative should be informed if there was evidence gathered during the investigation but not used in the investigation officer's report. This shall be made available on request by either the employee or their trade union representative to inform their own case.

The hearing manager will be responsible for making arrangements for the disciplinary hearing which will be held within a maximum of six weeks but must allow at least 10 working days for the employee to prepare their case. The hearing manager should take into consideration any annual leave or other planned absence from the employee/ and or their representative that may significantly impact on this.

If the employee/ and or TU representative feels that they will need an extension to the 10 working days they must supply a rationale to the hearing chair at this stage. The hearing chair's decision is final.

The employee does not have to submit their case and can first present it at the hearing. However, best practice encourages submission of the employee's case before the hearing. This will more likely prevent delays or adjournment on the day to the hearing and reduce the length of the process

5.0 Development and consultation

This policy has been developed by the HR Directorate in line with ACAS guidance. The policy was widely consulted on through staff side prior to ratification at the Trust Partnership Forum

6.0 Equality and Human Rights Impact Analysis (EHRIA)

The policy has undergone an Equality and Human Rights Impact Analysis.

7.0 Monitoring compliance

Human Resources will be involved in all investigations carried out under this policy and will monitor compliance with it. Key performance indicators on grievances and employee relations cases are reported monthly within the HR Performance Report.

8.0 Dissemination and implementation of policy

This policy will be circulated to all staff by means of communication tools available to the Trust circulated at team meetings and will be placed on the Trust website. New staff will be made aware of the policy at their Trust induction. Paper copies will be made available to Managers who have staff without access to computers. Staff networks will be asked to discuss and publicise the policy at their meetings. Training for all staff will be provided to ensure that messages are reinforced.

9.0 Document control including archive arrangements

It will be the responsibility of the sponsor and author of this policy document to ensure that it is kept up to date with any local or national policy, or legislation. The policy will be managed in accordance with the Policy for Procedural Documents.

10.0 Reference documents

For further information and cross reference to other related policies, please refer to:

- Alcohol and Substance Misuse Policy
- Managing Performance and Capability Policy
- Dignity at Work (Harassment & Bullying) Policy
- Disciplinary Policy and Procedure
- Managing Concerns about Medical Staff Policy
- Employee Support and Wellbeing Policy
- [Hampshire, Isle of Wight, Portsmouth and Southampton Safeguarding Children Procedures](#)
- Freedom to Speak Up Policy
- Safeguarding and Child Protection Policy and Procedure
- Safeguarding Vulnerable Adults Policy
- Suspension Policy and Procedure
- [Sussex Child Protection and Safeguarding Procedures](#)
- [Sussex Multi-Agency Policy and Procedures for Safeguarding Vulnerable Adults](#)
- ACAS guidance for the Investigating Officer on writing an Investigating Officer's report

11.0 Bibliography

- ACAS Advice and Guidance (www.acas.org.uk)
- ACAS Tools and Resources (www.acas.org.uk)

12.0 Appendices

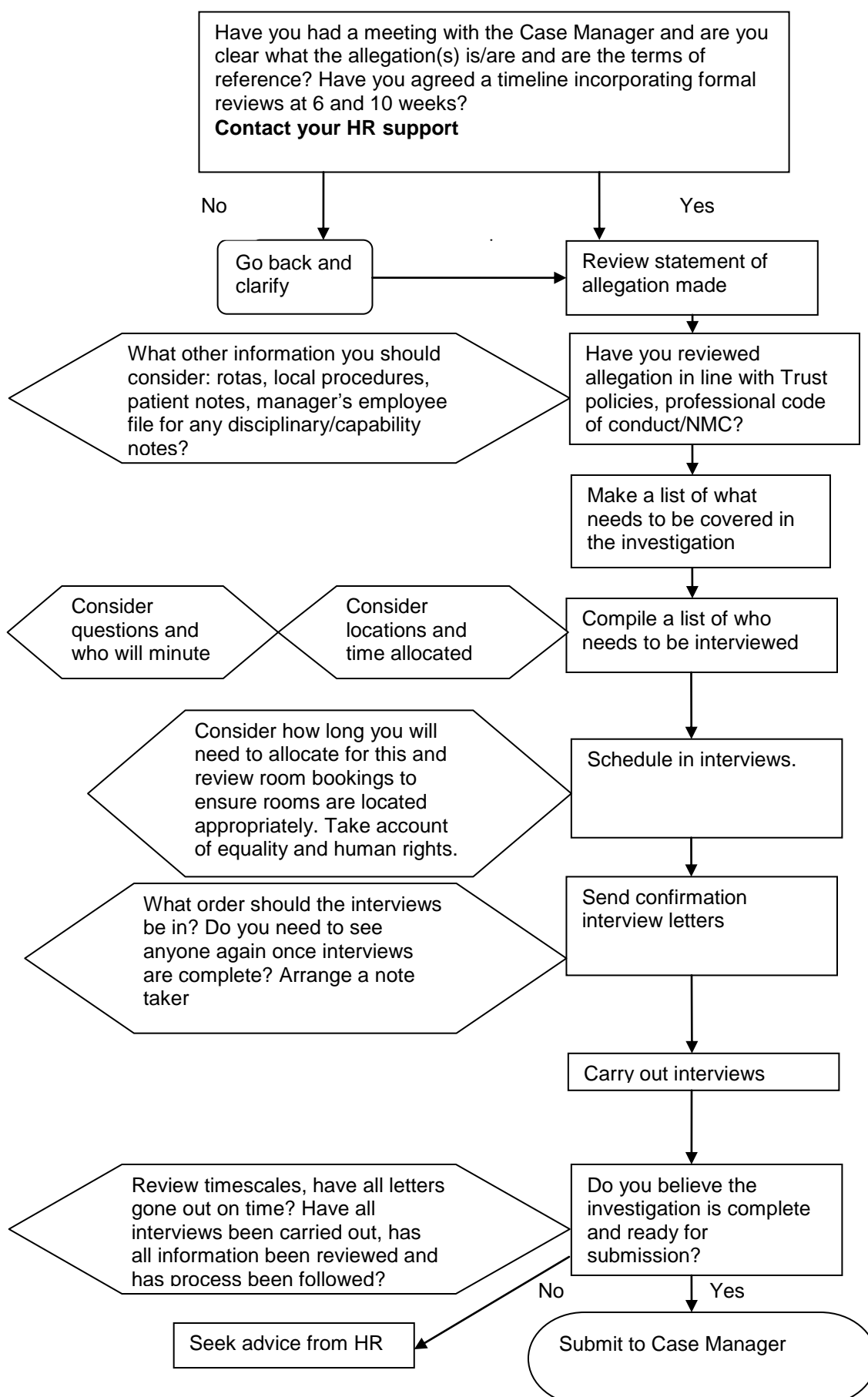
1. Management roles in the operation of the Investigation Policy and Procedure
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Management roles in the operation of the Investigation Policy and Procedure

| Role | Responsibilities etc. | Seniority Level |
|-----------------------|---|---|
| Line manager | <p>The immediate line manager of the employee concerned may hold informal meetings under the sickness, grievance and disciplinary policies.</p> <p>When an investigation is required, the line manager may be the Investigating Officer if they have had no previous involvement in the matter under investigation.</p> | Any level of manager |
| Suspending manager | Where a decision about suspension needs to be taken. The suspending manager will be the most senior manager available. Where an incident that may require the suspension of an employee occurs out of normal working hours, the on-call manager should be consulted. | Normally matron or equivalent, or a higher grade (Band 8a and above) but can be a lower graded manager in an emergency. |
| Case Manager | <p>The Case Manager takes overall responsibility for a case including adhering to timescales and keeping all parties informed of progress. They appoint the Investigating Officer and may also be the suspending manager where suspension has been found necessary. The Case Manager may be the line manager, if the employee concerned is fairly senior, or, more usually, the line manager's manager, but cannot be the Investigating Officer.</p> <p>The Case Manager receives the Investigating Officer's report and decides whether a formal hearing is required or not, including the rationale for their decision. The Case Manager will liaise with HR and/or the appropriate service director to determine an appropriate manager to be the hearing chair.</p> | Matron or equivalent, or a higher grade (Band 8a and above) |
| Investigating Officer | The Investigating Officer is appointed by the Case Manager to determine the facts of a case and report back. The Investigating Officer should not personally be involved in the matter being investigated, and not involved in any subsequent decision making on the matter. The Investigating Officer may be the line manager if they have had no | Usually a manager at Band 7 or above (e.g. ward manager). However in certain situations where the structure does not support this, this may be a band 5 |

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| | previous involvement in the matter under investigation; otherwise the Investigating Officer will be another manager at the same or higher level as the line manager. | |
| Hearing chair | The hearing chair is responsible for making the arrangements for a formal hearing (including ensuring the attendance of witnesses) and for communicating the outcome of the hearing to the employee concerned. The hearing chair will be determined by the Case Manager, who will liaise with HR and/or the appropriate service director. | General manager or equivalent, or a higher grade (Band 8b and above) if dismissal is a possibility (cases of gross or repeated misconduct); otherwise as for Case Manager |
| Chair of appeal panel | Chairs any appeal against the decision of the hearing manager. | Director |

Investigating Officer's flowchart



Guidance for employees on being interviewed or making a statement as part of an investigation

If you are interviewed as part of an investigation you may choose to be accompanied by a trade union representative. In this case the role of the representative is to ensure that you are treated fairly, to clarify questions, to bear witness on your behalf to what is said but not to answer questions on your behalf.

The person questioning you should ask you clear, unambiguous questions and avoid 'leading' questions which put words into your mouth. You will be encouraged to describe events rather than interpret them (i.e. 'I heard the door slam', rather than 'she slammed the door') and given a full opportunity to relay all information you feel is relevant.

The person questioning you may be interested in asking only certain specific questions, perhaps because they do not understand your role or the way your department operates. It is appropriate for you to make comments in order to clarify a particular situation. Keep to the facts only as you know them to be; only include events/conversations you have actually witnessed or taken part in. Do not include things that someone else has told you about – this is known as hearsay evidence.

A record will be kept of what you say, although this will not be a word for word account. This will be typed up and you will have the opportunity to check this and make comments.

If you are required to make a statement on the back of an allegation you have made, it is expected that you will make yourself available to do so within a reasonable timeframe, barring exceptional circumstances. If not, your evidence cannot form part of the investigation. Also, any statement should not be used to resurrect any old issue that should have been dealt with previously. Some past history may be relevant to the current issue but the Trust reserves the right to limit the timeframe for information gathered.

If the matter proceeds to a formal disciplinary hearing your statement may be provided to the employee who is being investigated and their union representative if they have one. **What if you are implicated?**

In some cases you may be under suspicion or implicated in an incident rather than merely witnessing an event. There is an implied duty upon you as an employee to assist in the investigation for obvious reasons and your employer is entitled to request co-operation for this purpose. You are entitled to give careful thought regarding your statement in these circumstances and it may be appropriate to consult your union. Those employees who are part of a professional body e.g. NMC, should also consult their professional code of conduct.

If making a Statement - points to remember

- Wherever possible get your statement typed.
- If not typed, write clearly using a black pen.
- Number each page e.g. 1 of 4, 2 of 4, etc., and number all paragraphs for ease of reference.

- Be consistent: am/ pm or 24 hour clock; spell day fully e.g. Tuesday; and write date in full e.g. 5th February 2012.
- State your full name and post.
- List facts in chronological order.
- Keep to the facts only as you know them to be; only include events/conversations you have actually witnessed or taken part in. Do not include things that someone else has told you about (hearsay evidence).
- Provide any written documentation to support your statement. This includes providing documentary evidence with regards to the legal Right to Work in the UK, DBS clearance or positive disclosure or proof of Professional Registration.
- Do not use abbreviations, jargon, sarcasm, colloquialisms or assumptions, unless these are contained when quoting someone in evidence.
- If you are sure of names, put them in; if you are not, don't. Refer to people by their full names and job title.
- Avoid giving opinions unless you are able to substantiate them.
- Sign and date the statement with your usual signature and print your full name.
- Copy the statement and retain a copy for your own reference.
- Contact your line manager or supervisor if support is required for written skills.