

Independent Investigations

There are a number of scenarios which can give rise to the need for an independent investigation. Some organisations have the option to bring in independent investigators written into their policies for particularly serious allegations which could lead to dismissal. Others may elect to bring in someone from outside the organisation in situations when they do not have the resources internally due to either capacity or complexity of the matter. Frequently it will be an issue which has the potential to 'go all the way' to tribunal and the organisation either wants distance, advice or both.

Tribunals will look to see that processes for handling complaints have been fair and equitable and even though there is now not an automatic upholding of complaints if process failings occur, it will certainly do an employers case no favours if there have been repeated shortcomings in process with no mitigating circumstances.

In an increasingly litigious society it makes absolute sense to ensure as an employer that any investigation is done absolutely correctly. Of course the statutory grievance procedures ensure that the employer and employee exhaust the internal process first in any complaint – but this opportunity to demonstrate equity and fairness and arrive at a reasonable resolution only comes along once.

Benefits of using our independent investigators

Whatever the reason, there are clear benefits to using our external resource to conduct an investigation. These include:

- ✦ Access to trained investigators who understand the legal landscape and the necessity to follow process.
- ✦ Access to investigators who will conduct the process with an appropriate balance of sensitivity and distance.
- ✦ A robust output in the form of an investigation report which may be relied upon in tribunal.
- ✦ Access to the facts of a case to enable organisations to take informed decisions about actions they should take next.
- ✦ The ability to demonstrate to the complainant and/or tribunal that the investigation has been in no way biased or improper.
- ✦ Risk assessment and cost containment based on detailed factual evidence - enabling an organisation to weigh up the costs of their proposed actions and have an informed view of their chances of defending actions if a tribunal were to follow.
- ✦ Ability to mobilise a quality investigation process quickly, thus reducing potential stress claims and other allegations against the organisation for failure to act in a timely way without due care for those involved.
- ✦ Reassurance that investigations will be conducted within process therefore reducing potential difficulties should a claim go to a tribunal.
- ✦ Given the amount of damages that can be awarded for certain upheld claims an independent investigation protects an organisation from increasing risks from misguided actions.
- ✦ An independent investigation demonstrates that an organisation has taken the matter extremely seriously adding credibility and the chances of acceptance of the finding in 'not upheld' situations.
- ✦ The risk of adverse publicity reduced by minimising the risk of tribunals.

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The Process

The process followed in investigations may be already determined and in this case our investigators will follow your process.

If there is no defined process we can recommend the approach you should take based on our previous experience.

The usual process involves undertaking interviews with the complainant, respondent and witnesses and producing and agreeing records of interview. The investigation will also draw on other relevant documentation.

Once all the relevant information has been collected it is then analysed against allegations which have been agreed with the person(s) making the complaint and a finding arrived at.

We then produce a robust investigation report which we present to you usually in conjunction with verbal feedback.

Timescale

We are great believers in the fact that investigation situations are uncomfortable for all concerned and can be extremely stressful. We therefore work very quickly without compromising quality and therefore help you avoid potential stress claims or failings in your duty of care towards those involved. We can discuss timescales with your individual organisation but we would work on the premise that, dependent on the complexity of the complaint, we would be talking weeks not months from start to finish.

Added Services

- ✦ **Management Reporting** Sometimes we come across issues which do not directly relate to the complaint and in these circumstances we can deliver management feedback on these issues but will keep these out of the investigation report.
- ✦ **Investigation Training** We are also able to provide investigation training for those undertaking investigations internally.
- ✦ **Mediation** We also have access to mediation services with a partner organisation if you feel this is an approach you would wish to try. Certain situations dispose towards mediation whilst others perhaps are beyond this point. We would be happy to advise you.
- ✦ **Process improvement** Sometimes we find that there are elements of the defined investigation process which have been difficult or where there may be a better way of doing something. We of course, will share this information with you in debrief.
- ✦ **Attendance at internal disciplinary hearings** If we have written the investigation report we are sometimes asked to attend a disciplinary hearing in the capacity as 'expert witness'. We are pleased to help in these circumstances although there is no compulsion to involve us as our reports are designed to be 'stand alone'.
- ✦ **Writing investigation policies and procedures** This service is also on offer, tailored of course to the organisation.

Investigations can be a minefield for any organisation and the potential financial risks if complaints are not handled correctly can be huge. We do not suggest that every investigation should be externally handled – but there are situations which merit this approach. Whether you wish to 'skill up' your in house team or outsource the investigation we can help.

Call us for a free consultation to discuss your specific requirements.