

# Investigator Training

This course is designed to 'skill up' those within your organisation who will conduct investigations, whether into grievances, disciplinary issues or complaints around equality and diversity issues such as bullying and harassment.

It is critical that investigations are conducted in an appropriate manner as the investigation may influence the subsequent actions of the organisation. If an investigation is not conducted correctly there is a significant risk that inappropriate decisions will be taken, exposing you to tribunal claims and possible financial loss. Tribunals of course will look to see that a fair process has been conducted in line with organisational policy.

## Our Approach

This course takes your investigators 'step by step' through the investigation process they will need to adopt giving them opportunities at each stage to practice the skills they will need to expertly conduct an investigation.

### **The legal position**

In this section we look at the legal backdrop to situations which may become the subject of investigations. What does the law say about discrimination, how grievances should be handled, what does the law say about bullying and harassment? We give an overview to the legislation that your investigators will need to know.

### **The organisations policy on how complaints should be investigated**

As well as the legal position investigators should also follow the organisation's policies relating to complaint handling. We will obviously need to liaise with you in advance of the event to obtain policies and discuss any further requirements you would like us to add into this section.

### **'Reasonable belief'**

What happens in a situation where it is one word against another? What happens if there is no concrete evidence to show an event or pattern of behaviour occurred? We explain the generally held principles that should be applied in reaching conclusions.

### **Receiving an allegation**

This section will take the delegates through the process to be followed from the receipt of an allegation. What the internal policy says and what they as investigators should do from this point on. We process map the various stages of the investigation and continually focus on the duties and skills of the investigator at each step of the way.

### **Allocating roles and identifying document sources**

We explain in this section the principles around allocating roles. What functions need to be performed in an investigation and what are the conditions around who can do what? What other documents will need to be referenced in the investigation and what are the principles of what can be accessed and what cannot?

### **Complainant interview – defining allegations**

Even if a complaint form has been received it is often the case that the allegations are not clearly defined. We look at the complainant interview and examine what the main principles and outputs of this key stage of the investigation should be.

### **Structure of interview and interview techniques**

Conducting investigation interviews is very different from conducting other types of interview. We go through how an investigation interview should be structured and the various techniques which should be applied.

### **Responding to emotion**

There is no doubt that investigations give rise to a range of emotions. How should an investigator handle these situations? We give hints and tips about best practice.

## **Witness and respondent interviews and contact**

Once the complainant interview has been conducted there will be a need to conduct further interviews with witnesses and of course the respondent who is typically the last person to be seen. What communication should there be with these individuals during the course of the investigation? How much should witnesses be told? What about the need for confidentiality? What if someone wants to give information anonymously? What about the duty of care towards the respondent? We cover all these aspects and delve into the way in which these interviews should be planned for and conducted.

## **Keeping records**

The investigation documents may be required after the investigation has been concluded. Where should records be kept and who can access them? We also cover the need for referencing of documents which can then be drawn into the report in appendices or to track back to where a factual piece of information has been found.

## **Analysing information and drawing conclusions**

Once all the information is available in the form of documents or interview statements these need to be analysed and conclusions or findings need to be reached. How should this process be conducted? It is critical at this stage that no subjectivity or opinion comes into a conclusion. How can investigators ensure their conclusions are robust? We examine all these aspects and more in this section.

## **Writing an investigation report and presenting evidence**

The investigation report is the final output of the investigation. So many reports fail to deliver as they are compiled in a fashion which does not make it clear how conclusions have been reached. An investigation report should be a stand alone document – able to withstand scrutiny by someone external to the organisation such as a tribunal panel. We give hints and tips to ensure that your investigators have a clear view of what should be in a report and provide ‘best practice’ advice and templates.

<p><b><i>Purpose of the Course</i></b></p> <p>To develop skills of 'in house' investigators giving them the confidence and 'toolkit' to conduct effective and robust investigations.</p>	<p><b><i>Key Topics</i></b></p> <ul style="list-style-type: none"> <li>▪ The legal position.</li> <li>▪ The organisations policy on complaints.</li> <li>▪ Reasonable belief.</li> <li>▪ Receiving an allegation.</li> <li>▪ Allocating roles and identifying document sources.</li> <li>▪ Complainant interview – defining allegations.</li> <li>▪ Structure of interviews and techniques.</li> <li>▪ Responding to emotion.</li> <li>▪ Witness and respondent interviews and contact.</li> <li>▪ Keeping records.</li> <li>▪ Analysing information and drawing conclusions.</li> <li>▪ Writing an investigation report and presenting evidence.</li> </ul>
<p><b><i>Objectives</i></b></p> <p>By the end of this course participants will be able to :</p> <ul style="list-style-type: none"> <li>▪ Identify the current UK legislation which provides context for investigations.</li> <li>▪ Be familiar with the requirements within the organisations own complaint(s) policies.</li> <li>▪ Understand how findings should be drawn.</li> <li>▪ Understand and follow an investigation process from start to finish.</li> <li>▪ Plan for, conduct and follow up structured investigation interviews.</li> <li>▪ Understand and demonstrate the various techniques which can be used in effective investigation interviewing.</li> <li>▪ Discharge duty of care to all involved in the investigation process.</li> <li>▪ Maintain and protect investigation records.</li> <li>▪ Analyse information and draw appropriate conclusions.</li> <li>▪ Write a robust investigation report.</li> </ul>	<p><b><i>Learning Methods</i></b></p> <p>Tutor led elements, with facilitated discussion, case studies, exercises to test understanding, role play, accelerated learning techniques to inject fun and increase speed of learning.</p>