## Workforce Investigation Policy & Procedure

**Version:** 4

### Summary:
This document provides a framework for conducting an investigation. The Policy and Procedure exists to help promote fairness, order and consistency in the treatment of all Southern Health employees.

### Keywords:
Investigation, Principles, timescales, support, witnesses, statement, disciplinary, grievance, bullying and harassment, whistleblowing, speak up

### Target Audience:
All Southern Health staff

### Next Review Date:
April 2022

### Approved & Ratified by:
Staffside Policy Scrutiny Group
JCNC

**Date of meeting:**
18th March 2019

### Date issued:
April 2019

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Version Control

Change Record

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<th>Date</th>
<th>Author</th>
<th>Version</th>
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<th>Reason for Change</th>
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<tbody>
<tr>
<td>June 2016</td>
<td>Kathryn Salt</td>
<td>3</td>
<td>All</td>
<td>Significant changes throughout from previous version. Introduction of two investigation category types, amendments to process with aim of simplifying guidance to managers</td>
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<tr>
<td>June 2016</td>
<td></td>
<td></td>
<td></td>
<td>Workforce Investigation Policy (SH HR 19) &amp; Procedure (SH HR 20) amalgamated into one document</td>
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<tr>
<td>August 2018</td>
<td>Ben Everden</td>
<td>4</td>
<td>All</td>
<td>A re-write of the Workforce Investigation Policy &amp; Procedure. Removal of two tier workforce investigation categories to align to the ACAS model and introduce an ease of understanding for the various roles undertaken.</td>
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Reviewers/contributors

<table>
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<tr>
<th>Name</th>
<th>Position</th>
<th>Version Reviewed &amp; Date</th>
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</thead>
<tbody>
<tr>
<td>Staffside Policy Scrutiny Group</td>
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<td>V3 June 2016</td>
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<td>HR Employee Relations Team</td>
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<td>V4 August, October 2018</td>
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<td>JCNC</td>
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<td>V4 March 2019</td>
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</tbody>
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Other Policies/documents to adhere to

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<tr>
<th>Name</th>
<th>Owner/Organisation</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allegation Management Framework (Guidance produced by 4LSAB)</td>
<td>Safeguarding Adults Boards in Hampshire, Isle of White, Portsmouth and Southampton (4LSAB)</td>
<td>June 2016</td>
</tr>
</tbody>
</table>
Quick Reference Guide

For quick reference, this page summarises the actions required by this Policy and Procedure. This does not negate the need to be aware of and to follow the further detail provided in this Policy and Procedure.

What is an Investigation?

An investigation is a fact-finding exercise to collect all the relevant information on a matter. A properly conducted investigation can enable the Trust to fully consider the matter and then make an informed decision on it.

Making a decision without completing a reasonable investigation can make any subsequent decisions or actions unfair, and leave the Trust vulnerable to legal action.

The role of a Commissioning Manager

The role of a Commissioning Manager is to lead and be responsible for managing the overall process, including the allocation of administration support and for bringing it to a timely conclusion. It is therefore important that the Commissioning Manager keeps in regular contact with all parties involved, including but not restricted to reviews of exclusions and or restrictions of practice; and temporary redeployments etc.

On completion of the investigation the Commissioning Manager must make a decision on how to proceed. The Commissioning Manager’s responsibility is also to work alongside Safeguarding when this is a factor in a Workforce Investigation.

The role of an Investigating Officer

The role of an Investigating Officer is to be fair, objective and impartial so that they can establish the essential facts of the matter and reach a conclusion on what did or did not happen. An Investigating Officer should do this by looking for evidence that supports the allegation and evidence that contradicts it.

In potential disciplinary matters, it is not the Investigating Officers role to prove the guilt of any party but to investigate if there is a case to answer.

The role of the HR representative

The role of the HR representative is to advise on policy, procedure and process to support a fair and consistent approach. It is not the role of HR to lead and make any decisions during the course of an investigation; this must lie with the Commissioning Manager. This is in line with an Employment Appeals Tribunal decision in September 2015 (Ramphal v Department of Transport).

The role of the Trade Union Representative

The role of the Trade Union is to represent and accompany a staff member during an investigation process. The role will include providing advice on policy, procedure and process ensuring that fairness is applied at all times towards the staff member. It is not the role of the Trade Union to answer questions on behalf of the staff member, but it is the right of the staff member to be accompanied and supported during a formal process. If the staff member does not have access to a Trade Union, a workplace colleague who has no connection and is impartial to the Investigation can accompany instead.
The role of the Administrator

The role of the Administrator is to provide admin support, when required to include:
- Any administration task where communication is required to any of those concerned.
- To attend and take notes during the interview process when required.
- To assist with the collation of investigation packs.

**STEP 1: Organisational/Commissioning Manager preparation**
- Decide if an Investigation is necessary by completing an initial fact finding assessment.
- Appoint an appropriate Commissioning Manager (CM) and Admin Support.
- Appoint an appropriate Investigating Officer (IO).
- CM to complete the Terms of Reference (Template 2 of the Toolkit) - The guidelines the investigation will follow and precisely what needs to be investigated.
- CM and IO would convene a meeting to discuss the different roles they will undertake to ensure that a well-managed investigation is conducted.
- Appoint a point of contact for the staff member concerned.

**STEP 2: An Investigating Officers preparation**
- Familiarise self with the Terms of Reference.
- Identify what evidence might need to be gathered – and who will be able to provide this, using Guidance 6 to support in this process.
- Contact parties involved in the matter (Template 1) and request for initial witness statements to be returned within 48 hours, if appropriate (Template 5).

**STEP 3: Handling an investigation meeting**
- Confirm who can accompany colleagues at the meeting, i.e. Trade Union Representative or Workplace Colleague.
- Plan what questions need to be asked and the order of who needs to be called to the investigation meeting.
- Interview the parties involved and any relevant witnesses.
- Handle reluctant witnesses or refusals to meet appropriately.

**STEP 4: Gathering evidence**
- Interview notes to be agreed and signed at the end of the interview process where practical and if not signed and returned within 5 working days (Template 6 and 7).
- Collect and review any relevant written records and documents e.g. timesheets, policies and procedures, personal files etc.
- Collect any relevant and appropriate physical evidence e.g. CCTV, emails,
STEP 5: Writing an investigation report

- Plan the completion of the report. (Template 8)
- Report what is evidenced to have happened and equally any evidence that contradicts the allegation(s).
- Ensure report is checked prior to sending to HR, e.g. grammar, spelling, accuracy, consistency and attention to detail.

STEP 6: After an investigation is completed

- Investigating Officer submits the report to the Commissioning Manager who makes a decision on the next steps.

STEP 7: Post investigation

- HR to ensure that a master report be electronically copied, securely stored and restrict access. All other copies to be destroyed.
- Ensure any recommendations unrelated to the matter are considered and actioned, e.g. reflective case learning, system and process changes, etc.
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Step 1</td>
<td>Organisational/Commissioning Manager Preparation</td>
<td>8 - 12</td>
</tr>
<tr>
<td></td>
<td>- Deciding if an Investigation is necessary</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Initial Fact Finding Assessment</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Criminal Proceedings</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Safeguarding Concerns</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Possible Temporary Measures</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Initial Fact Finding Assessment Outcome</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- No further action</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- To be handled under Performance Management</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Disciplinary action – Formal Conduct Action Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Investigation required</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- What is to be Investigated</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Why have clear Terms of Reference</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- How long may an Investigation take</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Keeping the matter confidential</td>
<td></td>
</tr>
<tr>
<td>Step 2</td>
<td>An Investigating Officer’s preparation</td>
<td>12 - 15</td>
</tr>
<tr>
<td></td>
<td>- Devise a plan using Guidance 6 – Investigation Support</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Check Policies and Procedures</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Identify possible sources of evidence</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Identify possible parties relevant to the Investigation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Deciding in what order evidence should be collected</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Arrange where meetings will take place</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Informing an Employee they are under Investigation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Inviting relevant parties to an Investigation meeting</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Keep Line Managers informed</td>
<td></td>
</tr>
<tr>
<td>Step 3</td>
<td>Handling an investigation meeting</td>
<td>15 - 19</td>
</tr>
<tr>
<td></td>
<td>- What is an Investigation meeting</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Can an Interviewee be accompanied</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Documenting an Investigation meeting</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Investigation meetings – the process</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- The Interview process</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Investigation meetings – tips and techniques</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Reluctant Witnesses</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Handling a refusal or failure to attend an Investigation meeting</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Employee relationships and motives</td>
<td></td>
</tr>
<tr>
<td>Step 4</td>
<td>Gathering Evidence</td>
<td>20 - 23</td>
</tr>
<tr>
<td></td>
<td>- Witness statements</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Written records and documents</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Physical Evidence</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Consideration if searching personal possessions</td>
<td></td>
</tr>
<tr>
<td>Step 5</td>
<td>Writing an Investigation Report</td>
<td>23 - 25</td>
</tr>
<tr>
<td></td>
<td>- Writing a report – Structure</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- An Investigation report should include</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Writing a report – tips and techniques</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Reporting what is likely to have happened</td>
<td></td>
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<tr>
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</tr>
<tr>
<td></td>
<td>The balance of probabilities</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Malicious complaints</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Request to make a recommendation</td>
<td></td>
</tr>
<tr>
<td>Step 6</td>
<td>After an Investigation is completed</td>
<td>25 - 26</td>
</tr>
<tr>
<td></td>
<td>Concluding the role of an Investigating Officer</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Recommendations unrelated to the Investigation matter</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Clarifications and further enquires</td>
<td></td>
</tr>
<tr>
<td>Step 7</td>
<td>Post Investigation</td>
<td>26 - 27</td>
</tr>
<tr>
<td></td>
<td>Keeping Investigation reports</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Occupational Health</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Workplace Options</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fast track to italk</td>
<td></td>
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<tr>
<td></td>
<td>Fast track to Physiotherapy</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Critical Incident Stress Management</td>
<td></td>
</tr>
<tr>
<td>Appendix A</td>
<td>Equality Impact Assessment Tool</td>
<td>29</td>
</tr>
</tbody>
</table>
Step 1: Organisational/Commissioning Manager preparation

Deciding if an Investigation is necessary

Incidents and issues will arise in any workplace and ensuring that they are dealt with fairly and consistently may mean that they need to be investigated.

In the first instance, the Trust should consider whether an informal conversation or informal action may be all that is required to resolve a matter. Most problems that arise can be settled quickly and without undue process. Informal actions should be documented as a file note and kept on file.

For example…

Jane is informed by a staff member that they have been on the end of some unwanted gossip, which they think is now getting out of hand. After initially discussing the matter with the staff member, Jane decides that because they simply want the comments to stop, the best way to resolve this is by informally talking to the other staff members.

Where informal resolution is not practical or possible there are a number of considerations the Trust should bear in mind before deciding if an investigation is necessary.

Initial Fact Finding Assessment

The initial fact finding assessment should be conducted in line with Guidance 2 of the Toolkit to establish whether an investigation is the most appropriate course of action.

Criminal Proceedings

Where an investigation establishes a suspected criminal activity in the UK or abroad, this will be reported to the police.

The Trust will consult with the police to establish whether an investigation into any other matters would impede their investigation which could delay the Trust’s investigation process.

Safeguarding Concerns

Where allegations against staff result in a safeguarding concern, the service should contact the Safeguarding Team for expert advice and support. Safeguarding Adults Policy SH CP 15 and the Safeguarding Children’s Policy SH CP 56 should be read in conjunction with the local Multi-Agency Safeguarding Policy developed for Southampton, Hampshire, Isle of Wight and Portsmouth (the 4LSAB) for detailed guidance.

There may be a variety of possible formal safeguarding responses which we may become involved with, when responding to a safeguarding concern or allegation.

- A Police Investigation of a possible criminal offence.
- Enquires and assessment by the responsible Local Authority about whether a child or vulnerable adult is in need of protection / support.
- An internal Workforce Investigation.

These processes can run concurrently in some circumstances. In all scenarios the local and national safeguarding requirements, including the actions of the Police, must be observed. This
may include delaying notifying the employee of the nature of an allegation until the consent of the other agencies has been obtained.

In circumstances where a criminal offence is thought to have been committed it is important to secure any forensic evidence that may be available.

Workforce Investigations in these scenarios should be clearly identified and the link to safeguarding should be outlined within the Terms of Reference. An Internal Concerns Meeting with the attendance of a Safeguarding Advisor, HR, Commissioning Manager and Investigating Officer may also be requested by Safeguarding at the early stages. This meeting is an opportunity for all strands of any investigation, or actions to be brought together so as to ensure a co-ordinated response and avoid any unnecessary duplication.

All participants should also be notified of the link to safeguarding and made aware that through our statutory duty under the Safeguarding Vulnerable Adults Groups Action 2006 we may be required to share the final report (including witness statements) with relevant partner agencies as appropriate and to report any staff where necessary to the Disclosure and Barring Service where they meet the criteria for this to happen.

Possible Temporary Measures

Many investigations may be conducted without removing a staff member from their typical working environment. On occasions, the Trust may need to consider taking a temporary measure while an investigation is conducted. Please refer to the Exclusion & Restriction of Practice Policy & Procedure SH HR 17.

Initial Fact Finding Assessment Outcome

Following this initial fact finding assessment, the appropriate route will be determined in consultation with the Senior Line Manager and Human Resources. The routes initially available include:

- No further action required / reflection & learning.
- To be handled under Performance Management (Capability) Policy.
- Formal Conduct Action Plan.
- Formal Investigation (potential misconduct or gross misconduct / DBS & Professional Body referral being considered, safeguarding, Information Commissioners Office (ICO) for information governance breaches).

In all circumstances where the concern was raised by another member of staff they should, at an appropriate point, be thanked for coming forward and be assured that the issues will be addressed appropriately.

No further action:

Where the evidence is not substantiated or it is clear that no misconduct has occurred, the Line Manager will ensure relevant parties are informed of this and ensure that the matter is closed.

On occasion where it is deemed no further action required it may be useful for a reflective discussion to take place with the individual. This could be around wider learning, perception of others or clarity of role and responsibilities.

If it appears that the complaint was raised maliciously then disciplinary action may be taken against the complainant.
To be handled under Performance Management (Capability) Policy:

When there is evidence that the staff member lacked training, knowledge or there is significant mitigation that shows support was not in place then it may be appropriate to manage the concerns through the Managing Capability (Performance) Policy. An investigation can help lead us to this conclusion however it is not a necessary first step. Where there is uncertainty, advice should be sought from the Senior Line Manager or HR to ensure the appropriate route is followed at the outset.

**Disciplinary action – Formal Conduct Action Plan:**

For low risk and/or low impact occurrences of misconduct these should be dealt with informally in the first instance. e.g. lateness, or smoking on site.

Where it is determined that an informal route is appropriate, the Manager will make time (this can be within established supervision sessions) to discuss the concerns and information collated. This conversation should take a counselling style approach and include cautionary advice that, if further misconduct of this nature occurs, then action under the formal Disciplinary Procedure should be expected in the form of a Formal Conduct Action Plan, depending on the gravity and frequency of the misconduct. A record of the conversation should be kept on the staff member’s personnel file.

See the Disciplinary Procedure for more information on utilising a Conduct Action Plan.

**Investigation required**

When it is deemed that an investigation is required the staff member should be informed of the allegations and the next steps. This should be communicated verbally by the Line Manager and then followed up in writing to the member of staff using Template 1 and 2 of the Toolkit.

If an investigation is necessary, then the Trust should act promptly. Unnecessary delay may cause memories to fade or give the perception of an unfair process. Importantly, an informal resolution of the matter should still be considered as an option at any stage of the process.

**Questions to consider when choosing an Investigating Officer:**

- Are they personally involved in the matter being investigated?
- Would the appointment raise any conflict of interest concerns?
- Are they likely to be influenced by people involved in the matter?
- Might they be involved in any subsequent decision making on the matter?
- Do they have a good knowledge of the organisation and how it operates?
- What is their availability during the investigation’s provisional time-frame?
- Are they trained and/or experienced in how to conduct investigations?
- How confident are they at communicating in writing and/or verbally?
- What training or support may they require?

**What is to be Investigated?**

When instigating an investigation, the Commissioning Manager should decide what the precise purpose and scope of the investigation will be.

Terms of Reference should be created that clearly explain what the Investigating Officer’s role and responsibilities are for the investigation. The Terms of Reference should spell out:
• What the Investigation is required to examine.
• Whether a recommendation is required.
• How their findings should be presented. For example, an Investigating Officer will be required to present their findings in an investigation report (Template 8).
• Who the findings should be reported to and who to contact for further direction if unexpected issues arise or advice is needed. This might be the Commissioning Manager or the HR Representative.

Why have clear Terms of Reference?

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<thead>
<tr>
<th>Clear Terms of Reference can…</th>
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</thead>
<tbody>
<tr>
<td>• Help complete the investigation in a timely manner.</td>
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<td>• Clarify exactly what the Investigating Officer’s remit is.</td>
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<td>• Clarify how they should present their findings.</td>
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<td>• Ensure all key facts are responsibly investigated.</td>
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<td>• Ensure an Investigating Officer only collects information and facts relevant to the allegation(s).</td>
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<td>• Minimise any negative impact on staff morale caused by investigation meetings.</td>
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<td>• Minimise disruption to the organisation’s daily business needs.</td>
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<td>• There may be a need to extend the Terms of Reference if relevant information comes to light during the investigation process.</td>
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</tbody>
</table>

How long may an Investigation take?

A complicated matter may take several weeks to conduct properly. A relatively simple matter may only require a small amount of investigation. However Trust expectation is 4 to 10 weeks depending on the complexities of the case.

An Investigating Officer may find that the time-frame needs to be modified to enable them to investigate the matter properly, this should be in conjunction with, and authorised by the Commissioning Manager. The Commissioning Manager is required to liaise with HR and inform the member of staff accordingly. While an investigation should be completed as quickly as is practical, it also needs to be sufficiently thorough to be fair and reasonable. This is particularly important if the matter could result in disciplinary action or where an Employment Tribunal claim could follow. Any delay to the investigation’s conclusion should be explained to those involved and included in the report.

If new issues come to light…

If a new matter comes to light during an investigation, the Investigating Officer and the Commissioning Manager may need to agree changes to the Terms of Reference, or to authorise a further investigation. The Commissioning Manager will then need to liaise with HR and inform the member of staff. It will usually be preferable to incorporate any new matters into the existing investigation unless it will make an investigation overly burdensome or unduly complicated.

Keeping the matter confidential

An investigation should usually be kept confidential. Even if it becomes known that one is being conducted, the details of the investigation should be kept confidential wherever possible. Keeping the matter confidential can:
• Reduce any negative impact to a party involved in the matter.
• Help to ensure that staff morale is not unnecessarily affected.
• Reduce the risk of witnesses discussing or agreeing what their evidence should be.

In all investigations it is important to explain the need to maintain confidentiality to all staff involved. However, a staff member should be allowed to discuss the matter with a Union Representative where they have one, or their Workplace Colleague Representative. Alternatively staff may contact Workplace Options (Employee Assistance Programme) for further support. It should be made clear that if any staff member breaches confidentiality the Trust could view this as a disciplinary matter.

Step 2: An Investigating Officer's preparation

Devise a plan using Guidance 6 – Investigation Support

Check Policies and Procedures

An Investigating Officer should collect copies of any Policies and Procedures that may be relevant to the matter. Even if an Investigating Officer is already aware of the Policies, they should re-read them to refresh their knowledge and ensure that correct procedures are followed wherever required.

For example…

Josh is asked to conduct an investigation into a grievance that contains allegations of race discrimination. He re-reads the organisation’s Grievance Policy & Procedure, Disciplinary Policy & Procedure to refresh his knowledge together with the Trust’s Workforce Investigation Policy & Procedure to ensure that he conducts the investigation as required.

He also reviews the Trust’s Equality, Diversity and Human Rights Policy because it may be important when considering evidence of a breach of this policy.

Identify possible sources of evidence

There is no exhaustive list that an Investigating Officer can rely on to know what sources of evidence they should collect. Each investigation will be different and the facts and information that need to be collected will also differ. When initially identifying what may be relevant an Investigating Officer should consider:

• The Terms of Reference and what they need to establish.
• What sources of evidence may be available to establish the facts of the matter.
• How the evidence could be collected.
• Whether there are any time constraints for collecting the evidence, such as a witness going away on annual leave or CCTV recordings that are usually deleted after a period of time (normally 30 days).

As the investigation progresses, other possible sources of evidence may come to light or become relevant.

However, an Investigating Officer should remember that they only have to conduct a reasonable investigation. They do not have to investigate every detail of the matter, only what is reasonably likely to be important and relevant.
Identify possible parties relevant to the Investigation

When individuals might be able to provide information relevant to the investigation, an Investigating Officer may interview them and/or ask them to provide a witness statement.

Where a large number of people witnessed the same incident, it will usually not be necessary to interview everybody. An Investigating Officer should interview some of the witnesses. If their accounts are consistent then an Investigating Officer may not need to interview other witnesses unless there are good reasons to believe they might have further information on the matter.

Deciding in what order evidence should be collected

The order in which evidence should be collected will change depending on the matter being investigated.

Where the matter is relatively straightforward, an Investigating Officer should hold some or all of the investigation meetings at an early stage of the investigation. In particular, if a person made a complaint or raised a grievance, an Investigating Officer should interview them first to ensure that they fully understand the matter.

In a potential disciplinary matter, an Investigating Officer should also consider interviewing the staff member or members under investigation at an early stage. Doing this can help to establish what facts are disputed, and allow an Investigating Officer to focus the rest of the investigation on these areas. Also, if they admit the allegations against them are correct it might remove the need to investigate the matter as fully as planned. However, their explanation of why the incident occurred may still need to be investigated.
Where there is considerable physical or written evidence, or the matter is very complex, an Investigating Officer should consider whether or not to collect other evidence before interviewing the staff member or members under investigation. This may include seeking advice from a subject matter expert, e.g. IT/RIO, Information Governance, etc. Doing so may help them to fully understand the matter and help them to ask the appropriate questions at the investigation meeting.

**For example…**

Ben is asked to investigate an allegation into a Receptionist intentionally ‘cutting off’ callers. As he is unsure of what evidence there may be he decides that before talking to the person under investigation he should gather the phone records that the Health Centre has and to hold an investigation meeting with an IT expert who can advise him about what the data reveals.

Doing this helps Ben to understand the allegation and what the data that has been collected reveals. He is therefore able to ask the Receptionist under investigation questions that enable him to establish the full facts of the matter.

**Arrange where meetings will take place**

An investigation meeting should take place in a private room, where interruptions are unlikely to occur. Usually, meetings should be at the staff member’s normal place of work and during working hours. However, where a greater degree of confidentiality is required it may be better to hold the meeting outside of normal working hours, or on an alternative Trust site. In some circumstances it is appropriate to conduct witness interviews by telephone or Lync in order to prevent unnecessary delays.

**For example…**

Abdul manages a team of 14 Administrators who all work in the same open plan space as he does. The regular meeting spaces are all within sight of the staff and they are typically used for routine purposes staff are familiar with.

When Abdul raises a grievance alleging race discrimination, the Investigating Officer quickly establishes that any meetings held on site would be noticed and could quickly lead to gossip. In order to handle the investigation sensitively, the Investigating Officer arranges to meet Abdul on a different floor in the office outside of the main working hours.

**Informing an Employee they are under Investigation**

If a staff member is under investigation, they should be informed in writing of the allegations against them and that an investigation will be carried out (Template 1). They should be notified of who to contact if they have any questions during the investigation. This is typically the Investigating Officer, their Manager, or their specified Point of Contact.

In most situations, a staff member should be fully informed when an investigation into their actions is instigated. An investigation should only be concealed if there are very good reasons, such as, because a staff member may be able to influence witnesses or tamper with evidence.
Inviting relevant parties to an Investigation meeting

An Investigating Officer should give any employee that they intend to interview advance written notice of their investigation meeting (Template 3).

Keep line Managers informed

Throughout the investigation an Investigating Officer should also liaise with any line managers who are responsible for staff member’s attending an investigation meeting. Keeping managers informed of arrangements is important. It will allow them to plan ahead and take steps to reduce any impact that the investigation may have on the service.

Step 3: Handling an investigation meeting

What is an Investigation meeting?

An investigation meeting is simply an opportunity for an Investigating Officer to interview someone who is involved in, or has information on, the matter under investigation.

An investigation meeting must never turn into a disciplinary meeting. Where disciplinary action may be necessary a separate meeting must be arranged.

Can an Interviewee be accompanied?

Staff members have the right to be accompanied by a Workplace Colleague or Trade Union Representative.

Trade Unions

Trade Union representatives, when asked to support a member, will.
• Advise, support and accompany the individual appropriately throughout the investigation process.
• Work constructively to ensure the best outcome in the circumstances.
• Will work in partnership with the Investigating Officer and HR Representative to facilitate a swift conclusion to the investigation.

Non – Trade Union Representation

• The member of staff may also be accompanied by a workplace colleague to a formal meeting; they should have no connection to and be impartial to the investigation, they must also not be a relative.
• The representative should be allowed to address the meeting to put and sum up the individuals case, respond on behalf of the individual to any views expressed at the meeting and confer with the individual during the meeting or hearing. The representative does not, however, have the right to answer questions on the individual’s behalf, address the meeting if the individual does not wish it or prevent the Trust from explaining their case.
• All representatives are expected to maintain confidentiality during and subsequent to the investigations completion.
• Where witnesses feel they need support they can approach either HR or their Trade Union to discuss their needs. Unions will only accompany witnesses to a hearing by exception; ordinarily they will provide support in advance.

Allowing an interviewee to be accompanied can help for the following reasons:

• English may not be their first language and a representative may be in a position to help facilitate the discussion.
• Having someone there with them can make an interviewee feel more comfortable and more willing to talk openly about the matter.
• A representative may be able to help an Investigating Officer manage the process more effectively by explaining steps being taken to an interviewee.
• It can increase the confidence staff have in a credible process, and therefore may reduce the potential for appeal against any decision that follows.

In Individual cases, for example where staff members are covered under the Equality Act 2010 and do not have access to a representative but feel they require one to be in attendance, this may be considered a reasonable adjustment. Where considerations need to be made as an alternative to a Trade Union or Workplace Colleague, consultation with the Commissioning Manager and the HR department must be done in the first instance. Where English may not be their first language, translation services and further information can be found on the Accessibility Trust Intranet page.

http://intranet.southernhealth.nhs.uk/accessibility/

Documenting an Investigation meeting

Each interview should be documented whether in the form of written/typed notes or a digital recording. When notes/records of the interview are taken, then the interviewees will have the opportunity to review, accept and sign the notes, along with having the opportunity to amend them. Where interviews are digitally recorded these will ordinarily be typed up and form part of the final report; if they are not typed, the individual will be supported to listen to the recording and sign a statement confirming their acceptance for accuracy. For digital recording all parties must be in full agreement.
A covert recording of an investigation meeting may be viewed as a misconduct matter or as a breach of trust and confidence.

<table>
<thead>
<tr>
<th>What notes should be taken at an investigation meeting (Template 6)</th>
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</thead>
<tbody>
<tr>
<td>Notes taken at the meeting will usually become an interviewee’s witness statement. The notes should therefore record:</td>
</tr>
<tr>
<td>• The date and place of the interview.</td>
</tr>
<tr>
<td>• Names of all people present.</td>
</tr>
<tr>
<td>• An accurate record of the interview.</td>
</tr>
<tr>
<td>• Any refusal to answer a question.</td>
</tr>
<tr>
<td>• The start and finish times, and details of any adjournments.</td>
</tr>
<tr>
<td>• Should be written without gaps, to avoid the accusation that gaps have been filled in after the meeting.</td>
</tr>
</tbody>
</table>

The notes taken do not need to record every word that is said but they should accurately capture the key points of any discussion.

Investigation meetings – the process

Investigation meetings can be difficult and emotional, especially for someone who raised a complaint or is under investigation. A courteous Investigating Officer following a structured process, with pre-planned initial questions, may reduce unnecessary stress and help keep the interview focused and on the right track. Consideration should be given to a systematic approach to undertaking interviews, a sequence in approach should be established to ensure as much relevant evidence as possible is gathered in a methodical way. Consideration should also be given to adjournments.

The Interview process

<table>
<thead>
<tr>
<th>Before the meeting takes place an Investigating Officer should</th>
<th>• Establish how the interviewee may be able to help with the investigation and plan initial questions accordingly.</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>• Book an appropriate time and place for the meeting.</td>
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<td></td>
<td>• Write to the employee inviting them to the meeting and detail their rights to be accompanied.</td>
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<tr>
<td></td>
<td>• Ensure relevant equipment is available and working.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>At the start of the meeting an Investigating Officer should explain</th>
<th>• Who is present and why.</th>
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<tbody>
<tr>
<td></td>
<td>• The role of the Investigating Officer.</td>
</tr>
<tr>
<td></td>
<td>• The purpose of the meeting.</td>
</tr>
<tr>
<td></td>
<td>• The need for confidentiality during and after the investigation.</td>
</tr>
<tr>
<td></td>
<td>• That the interviewee’s witness statement may be used in an investigation report/formal process.</td>
</tr>
<tr>
<td></td>
<td>• Who will see the interviewee’s witness statement.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>During the meeting an Investigating Officer should</th>
<th>• Ask questions to gather the facts of the matter.</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>• Probe the interviewee without it being in an adversarial manner.</td>
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<tr>
<td></td>
<td>• Record responses and any refusal to respond.</td>
</tr>
<tr>
<td></td>
<td>• Seek evidence that may substantiate the information provided.</td>
</tr>
</tbody>
</table>
| At the end of the meeting an Investigating Officer should | • Check if there is anything else the interviewee thinks is important, relevant to the matter in question, before ending the interview.  
• Ask if there are other witnesses that they think should be interviewed and why.  
• Explain that they may need to be interviewed again.  
• Interview notes to be agreed and signed at the end of the interview process where practical and if not signed and returned within 5 working days (Template 6 and 7). |
| --- | --- |
| After the meeting an Investigating Officer should | • Consider what the important facts from the meeting were and whether evidence already collected supports or contradicts these.  
• Consider whether the meeting suggested any further evidence needs to be collected or interviews arranged. |

Although an Investigating Officer should plan to only interview each staff member once, as further facts and information is collected, it may become necessary to interview some staff member’s again to clarify certain points.

**Investigation meetings – tips and techniques**

Practicing interview techniques through training and experience is vital for an Investigating Officer. While there is no substitute for this, the following tips and techniques which can be found in Guidance 3 & 4 of the Toolkit will help supplement and refresh an Investigating Officer’s knowledge, skills and approaches.

**Reluctant Witnesses**

Some staff members may be reluctant to provide evidence for an investigation. An Investigating Officer should explore why a staff member is reluctant to give evidence, provide assurance and seek to resolve any concerns they have.

An Investigating Officer should try to avoid anonymising witness statements whenever possible. This is because a staff member under investigation is likely to be disadvantaged when evidence is anonymised as they will not be able to effectively challenge the evidence against them.

Only in exceptional circumstance where a witness has a genuine fear of reprisal, should an Investigating Officer agree that a witness statement is anonymised. However, if the matter becomes subject to legal proceedings, and it is necessary in the interests of fairness, the Trust may be required to disclose the names of any anonymous witnesses.

When writing a workforce investigation report staff members should be referenced not as initials but by using their names, as this makes the report easier to read and stops confusion within the report. However patients referenced within the investigation report should be shown as P1, P2, P3, etc.
Where an Investigating Officer decides that the circumstances do warrant an agreement to anonymity, an interview should be conducted and notes taken without regard to the need for anonymity. An Investigating Officer should then consider what, if any, parts need to be omitted or redacted to prevent identification.

**Handling a refusal or failure to attend an Investigation meeting**

If a staff member 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. It may be that they are unable to attend for a legitimate reason, such as illness, and an Investigating Officer could rearrange the meeting or ask the staff member to produce a witness statement instead.

Where an Investigating Officer does not believe a legitimate reason has been given they could remind the staff member that failure to attend a meeting may be viewed as refusing to obey a reasonable request and result in disciplinary action.

**Employee relationships and motives**

When interviewing a witness an Investigating Officer should be alert to their possible motives. They should make tactful enquiries into the relationship between the witness and any staff member involved in the matter because this may add or detract from the validity of the witness’s statement.

Usually, this can be done when interviewing the witness themselves and, where relevant, the person under investigation. However, in some circumstances an Investigating Officer may also decide it is necessary to ask other witnesses for their views on the impact a particular relationship might have. An Investigating Officer should be careful about the tone and phrasing of their enquiries and remember that a witness is not under investigation.
Step 4: Gathering evidence

When gathering evidence an Investigating Officer should remember that their role is to establish the facts of the matter. They should therefore not just consider evidence that supports the allegations but also consider evidence which undermines the allegations. Once collected an Investigating Officer should objectively analyse each piece of evidence and consider:

- What does the evidence reveal?
- Are there any doubts over the credibility and reliability of the evidence?
- Is the evidence supported or contradicted by evidence already collected?
- Does it suggest any further evidence should be collected?

For example...

While conducting an investigation Jessica is told by a staff member under investigation that they were not working on the day of the alleged incident. When trying to find evidence that supports or contradicts this claim, Jessica remembers that the buildings require staff to use a security fob to get in and out of the building. She makes enquiries into whether any data is stored. With the staff member’s fob number she is able to collect records that show the staff member’s fob had been used on the day of the incident. This may call into question the reliability of the information provided by the staff member.

Witness statements

A witness statement will usually be a signed copy of the notes from an investigation meeting (Template 6 and 7). An interviewee should be given a copy of their statement taken at the investigation meeting to check that they agree it is accurate.

Once the interviewee has checked the document they should sign the statement confirming that it is an accurate reflection of the conversation. This should be done as soon as possible after the meeting and returned and finalised within 5 working days of the meeting so that memories are still fresh.

An Investigating Officer may want a witness statement to be typed up. However, when the original notes from the meeting are clear they can be agreed and signed at the end of the interview process where practical, with a further copy provided to the interviewee.

An interviewee should be allowed to amend their statement but should sign any amendments they make to the original document. Where changes to the statement are made that an Investigating Officer believes contradict what was said at the meeting, it may be necessary to note this and include both the original statement and the amended statement in the report.

If an interviewee refuses to sign their statement, an Investigating Officer should try to find out why and resolve the issue. If a resolution cannot be reached, an Investigating Officer should include the statement in their report while acknowledging that the interviewee refused to confirm that it was an accurate reflection of the meeting.
When might a statement be provided without a meeting?

An Investigating Officer may sometimes decide that a witness statement can be supplied without a meeting in circumstances such as:

- If a witness is not a worker.
- When the facts required from a witness are very simple.
- Where a witness is ill and unable to attend an investigation meeting.

An Investigating Officer should provide a reasonable deadline for completion and ask the witness to answer specific questions or to include in their statement:

- Their name and, where applicable, job title.
- The date, place and time of any relevant issues.
- What they saw, heard or know.
- The reason why they were able to see, hear or know about the issues.
- The date and time of statement.
- Their signature.

A witness statement supplied in writing will be of limited use where there are doubts about the witness’s account or the witness needs to be probed for further details.

Written records and documents

An Investigating Officer should collect any documentation that may be useful to establish the facts of the matter, such as initial witness statements, staff rotas, training records, incident forms, RiO notes, local operating procedures. These types of documentation can help an Investigating Officer corroborate or contradict other evidence collected and can highlight areas that an Investigating Officer needs to explore further at an investigation meeting.

For example…

Nico is investigating a grievance that alleges a manager has been bullying a staff member. He held an investigation meeting with the staff member who claimed the manager had called him several derogatory names in private but had also been aggressive to him in emails.

Nico collects all emails between the two for the last three months and analyses the discussions.

At an investigation meeting with the manager, Nico is able to explore the content of several emails and probe the manager about the tone and language used.

Physical evidence

There may be physical evidence, such as Trust CCTV, Computer and Phone Records relevant to a Workforce Investigation, which can be obtained lawfully and without breaching the staff member’s rights.
If physical evidence is collected, an Investigating Officer should document what it is, how it was collected and what it reveals. This can make it easier for an Investigating Officer to refer to the evidence at the conclusion of the Investigation. Any physical evidence gathered, for example CCTV or camera recordings should also be retained securely in accordance with data processing guidance in case it needs to be viewed again at a later date.

**Using CCTV and other recordings as evidence**

The Policy for Surveillance and the use of Closed Circuit Television (CCTV) SH NCP 57 clarifies the use of CCTV and recording devices, for example Body Worn Cameras throughout the Trust's premises. The main purpose of CCTV is to prevent and detect crime and to safeguard the safety of patients, staff and others who visit our sites. The CCTV systems are also registered with the Information Commissioner’s Office for us to use the recordings when investigating incidents. As this is the case, CCTV systems may be reviewed to investigate concerns and the recordings captured may be used as evidence in disciplinary and grievance proceedings.

Investigations must be objective and the Trust should only use CCTV recordings as evidence where it is not practicable or possible to establish the facts of the matter through collection of other evidence. Investigating Officers should also keep in mind that CCTV footage may also disprove an allegation.

Some physical evidence that could be collected may be difficult or expensive to collect. An Investigating Officer should seriously consider how any relevant evidence could be collected and then decide whether the associated costs mean that it would be reasonable to collect or not.

**For example…**

Adil is investigating an allegation of theft. He speaks to five witnesses, and four claim to have seen Jill putting the item in her bag. Upset, Jill claims at an investigation meeting that she has never been in the room where the item was taken from and demands the Trust to get fingerprint analysis to prove she was in there.

Adil discusses this with the Commissioning Manager. They decide the cost of paying for an expert to do this would be unreasonable.

**Considerations if searching personal possessions**

A search should be conducted in line with the Worker Search Policy (SH HS 22) and only conducted in exceptional circumstances where there is a clear, legitimate justification to search a person and/or their possessions who is working on Trust premises. The Policy provides very clear guidance on how the search should be conducted, events to be aware of and what actions to take in the event of a worker refusing to consent to a search.

Staff trained in the search procedures and techniques must firstly explain the process and provide the worker with the leaflet “Worker Search Policy – Frequently Asked Questions and Feedback form” prior to the commencement of a search. This is available on the Trust Intranet.
Where trained staff need to search a desk or cupboard that a worker uses, the worker should be invited to be present. Where they are unable to be present, a manager should be present to witness the search.

Although the legality of searching has been defended, it is essential that staff act appropriately and in good faith. Searching of a worker is a highly contentious issue and without consent would almost certainly be seen as a breach of the mutual duty of trust and confidence between employer and employee.

Trained staff can only search a worker if they consent to be searched. If the worker refuses to give consent or cooperate with a search and where it is believed that a criminal offence may have been committed, the Trust may call the police as they have wider powers to search individuals.

However it should be kept in mind that a worker may have a legitimate reason to refuse, and trained staff should be sensitive to other factors that may explain a refusal. Trained staff should therefore explore why an employee has refused to be searched and seek to resolve this rather than assume that a refusal implies guilt.

All requests and refusals should be recorded using the Ulysses Incident Reporting System.

**Step 5: Writing an investigation report**

For report writing please refer to Template 8 of the toolkit.

If the Investigating Officer believes there may be no case to answer they should discuss this with the Commissioning Managers prior to writing the report, as this may negate the need for a full report. This should be agreed in partnership with the HR Representative.

Once an Investigating Officer believes they have established the facts of the matter as far as is reasonably possible and appropriate, they will need to produce an Investigation Report that explains their findings.

An Investigation Report should cover all the facts that were and were not established, and whether there were any mitigating circumstances that also require consideration. To exclude any information may leave an investigation open to accusations of bias and filtering evidence to suit their findings.

The report should reflect the Investigating Officer’s own conclusions. While an Investigating Officer may seek advice from a third party such as HR, the conclusions should be their own.

**Writing a report – Structure**

A consistent structure to writing each part of the Investigation Report should ensure that all allegations raised in the Terms of Reference are covered and all of the investigation’s findings are included.

**An Investigation report should include…**

| Introduction | • Name and job title of the person who commissioned the Investigation.  
|             | • Name and job title of the person who conducted the Investigation.  
|             | • A brief overview of the circumstances that led to the Investigation.  
|             | • The Terms of Reference of the investigation and if they were amended. |
### Process of the investigation
- How the Investigation was conducted.
- What evidence was collected.
- Whether any pieces of evidence could not be collected and why.
- Names and job titles of all witnesses.
- Whether any witnesses could not be interviewed and why.
- Where a witness statement has been anonymised explain why and provide any details of enquiry into their character and background.

### The investigation findings
- Summarise the findings from all relevant documents.
- Summarise the key evidence from each witness statement.
- What facts have been established.
- What facts have not been established.
- Whether there are any mitigating factors to consider
- Whether there is any other relevant information to consider.

### Conclusion of report (if required)
- A clear statement as to whether each allegation is substantiated, unsubstantiated or whether there is insufficient evidence to determine whether substantiated or not.

### Supporting documents
- Copies of all documents and witness statements collected and referred to in the report should be included and clearly referenced.

### Writing a report – tips and techniques

When writing an Investigation report an Investigating Officer should remember who will read the report once it is completed and that this will often include an employee who raised a grievance or an employee under Investigation. The report should therefore:

- Be written in an objective style.
- Avoid nicknames and jargon.
- Use same form of address for all people referenced (not as initials but by using their names).
- Use appropriate language and keep simple wherever possible.
- Stick to the facts of the matter.
- Keep it concise.
- Explain any acronyms used.
- Include all evidence that was collected.

### Reporting what is likely to have happened

While reporting with absolute certainty on a matter is desirable this may not always be possible. An Investigating Officer should arrange their evidence into:

- Substantiated facts:
  Where the facts are not in dispute, they can simply be reported as factual.

- Contested facts:
  Where the facts are contested or contradictory they should determine what, on the balance of probabilities, took place.

- Unsubstantiated claims:
Where an Investigating Officer is unable to substantiate an allegation they should consider if further investigation is reasonable or report that they are unable to draw a conclusion on.

The balance of probabilities

An Investigating Officer should endeavour to reach conclusions about what did or did not happen, even when evidence is contested or contradictory. In these circumstances an Investigating Officer will need to decide whether, on the balance of probabilities, they could justifiably prefer one version of the matter over another and explain why.

Unlike criminal law, an Investigating Officer conducting a Workforce Investigation does not have to find proof beyond all reasonable doubt that the matter took place. An Investigating Officer only needs to decide that on the balance of probabilities an incident is more likely to have occurred than not.

Malicious complaints

A further issue that an Investigating Officer may sometimes need to consider is whether a staff member raised a malicious complaint. An Investigating Officer should consider what the evidence collected suggests but the staff member should usually be given the benefit of any doubt. If an Investigating Officer decides the complaint was clearly malicious they should inform the Commissioning Manager and HR representative.

Requests to make a recommendation

An Investigating Officer should not suggest a possible sanction or prejudge what the outcome or disciplinary hearing will be.

Step 6: After an investigation is completed

Concluding the role of an Investigating Officer

Once an Investigating Officer completes their Investigation and hands in their report they will usually not be involved in any further action other than the following possible matters:

- Discussing the report in person:
  Investigating Officers may need to discuss their findings with the individual or panel they report to. In disciplinary matters, the focus of discussion should only be to decide whether any further steps are necessary. The Investigating Officer should not discuss what sanction might be imposed if a disciplinary charge is established.

- Attending the Disciplinary Hearing:
  An Investigating Officer may be required to attend a subsequent hearing. However, they should only be there in a fact giving capacity. They should not be there to give their opinion or present the case against the employee.

- Input into policy or procedure review:
  Depending on the needs of the Trust it may be appropriate to use the expertise the Investigating Officer has accumulated to advise on amending or updating policies and procedures.
If an Investigating Officer does continue to be involved in the process for any other reason there may be a perception that the Investigation was biased and this should be avoided wherever possible.

It should be the Commissioning Manager and not the Investigating Officer who makes the final decision as to whether or not a Disciplinary Hearing will be held.

**Recommendations unrelated to the Investigation matter**

During an investigation an Investigating Officer may identify other issues that, while outside the scope of the Terms of Reference, may still require action.

An Investigating Officer should note what other matters may require further action and report these to the Commissioning Manager in a separate document for them to consider.

**For example…**

While Investigating a grievance about a request to work part-time, James realises the Trust’s flexible-working policy needs to be updated to bring it in line with the law. He also discovers that recently promoted managers have not been trained in handling flexible working requests as the Trust policy requires.

James does not include these issues in his report as they are not relevant to the actual matter being Investigated. However, in a separate document, he does recommend that the policy urgently needs reviewing and that several managers should be given training.

**Clarifications and further enquiries**

On some occasions an issue may be raised during a formal hearing which may not appear to have been considered during the Investigation. The hearing may therefore need to be adjourned while the decision maker chairing the hearing discusses and clarifies the matter with the Commissioning Manager.

Only in exceptional circumstances will there be a need to re-investigate the whole matter. However, a decision maker may ask an Investigating Officer to investigate any new issues put forward or investigate it further themselves.

Approaching the matter in this way means that a deficiency in an investigation may be rectified or a new argument can be fully considered before the hearing is reconvened and a final decision is made.

**STEP 7: Post investigation**

**Keeping investigation reports**

There will be a need to retain investigation reports for 6 years, following the conclusion of an investigation. This is in-line with The NHS Records Management Code of Practice.

To do this, HR will ensure that a master report be electronically copied, securely stored and restrict access only to those individuals who have the authority to view it and are aware of data protection or other legal requirements. Once copied, all hard copies are to be destroyed, with copies of any
letters sent to the staff member during the investigation process, i.e. invite and outcome letters to be retained and placed in the personal file by the line manager for reference.

**Health, Wellbeing and Support available for Staff involved in an Investigation**

Due to the nature of a Workforce Investigation and the impact to staff members and witnesses involved, it can prove to be a difficult time. From receiving notice of an investigation, to attending interviews and hearings, support needs to be provided.

The Commissioning Manager, Investigating Officer, Manager and Point of Contact need to ensure support is readily available to all involved, regular contact and appropriate updates are provided and the Health and Wellbeing of the staff involved are at the forefront of the investigation.

**Occupational Health**

The Occupational Health Service for Southern Health staff is provided by People Asset Management (PAM) OH Solutions.

PAM OH Solutions are a highly experienced Occupational Health and wellbeing specialist providing a wide range of Occupational Health solutions to the Trust. Managers can ensure support is provided and reasonable adjustments looked at through the process of making a referral to Occupational Health, however managers will require an OH account to access the service and make a referral.

- To contact PAM to find out more, Tel: 02382 140500
- Email: southampton.clinic@people-am.com
- Web: [http://intranet.southernhealth.nhs.uk/all-about-me/support/occupational-health-pam/](http://intranet.southernhealth.nhs.uk/all-about-me/support/occupational-health-pam/)

**Workplace Options**

Workplace Options is Southern Health’s Employee Assistance Programme. Support is available 24 hours a day, 7 days a week. The advice is completely independent of the Trust and any calls or contact will be entirely confidential. Support offered includes counselling, information, guidance and referrals on any work, personal or family issue. Workplace Options is available to staff and immediate family members both over the phone, face to face and online. Workplace options give up to 6 sessions of structured counselling per employee per issue per year.

- You can access any service without referral by, Tel: 0800 243458
- Email: assistance@workplaceoptions.com
- Web: [www.workplaceoptions.com](http://www.workplaceoptions.com) - to login, use the username: southernhealth and the password: employee
- A Manager can also refer a staff member as part of supporting their health and wellbeing at work.

**Fast Track to italk**

italk, Southern Health’s Primary Care Psychological Therapy Service provide access to talking therapies which may benefit staff members suffering from stress, anxiety or depression. Access to this service can be fast tracked for staff members to ensure quicker access to psychological...
support when staff members need it. An italk fast track referral form can be downloaded from the Trust italk intranet page.

- You can access this service by, Tel: 02380 383920
- Email: WHCCG.italkservice@nhs.net
- Web: https://www.italk.org.uk/

**Fast Track to Physiotherapy**

MSK related injury or illness accounts for nearly 15% of all sickness absence in the Trust and is the second single largest reason for staff requiring sick leave. Access to this service can be fast tracked for staff members to ensure quicker access to physiotherapy support when staff members need it. A fast track self-referral form can be downloaded from the Trust fast track physiotherapy intranet page.

- Web: http://intranet.southernhealth.nhs.uk/all-about-me/support/fast-track-pilot-to-physiotherapy-services/

**Critical Incident Stress Management (CISM)**

The Critical Incident Stress Management (CISM) service is a voluntary and confidential service for all staff that offers staff and the team support following traumatic or critical incidents. It is operated by colleagues who offer this service in addition to their normal ‘day jobs’. They have undergone specific and intensive training, receive ongoing supervision and updating, to enable them to offer a specific model of support to colleagues following traumatic incidents in the workplace.

- You can access the service by, Tel: 07899 878542
- Email: cism@southernhealth.nhs.uk
- Web: http://intranet.southernhealth.nhs.uk/all-about-me/support/cism/
Appendix A

Equality Impact Assessment Tool

The Equality Analysis is a written record that demonstrates that you have shown due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations with respect to the characteristics protected by the Equality Act 2010.

<table>
<thead>
<tr>
<th>Name of policy/procedure</th>
<th>Workforce Investigation Policy &amp; Procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name and job title of person completing the assessment:</td>
<td>Sarb Birk: Diversity and Inclusion Lead</td>
</tr>
<tr>
<td>Date of assessment:</td>
<td>28/01/2019</td>
</tr>
<tr>
<td>Responsible department:</td>
<td>People Development</td>
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<td></td>
<td>Human Resources</td>
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EIA Summary

1. The document provides a framework for conducting an investigation. This would enable the Trust to fully consider the matter and then make an informed decision on it.

2. The policy and procedure exists to help promote fairness, order and consistency in the treatment of all Southern Health employees.

3. The HR team have re written the Policy and Procedure and amalgamated it into one document.

4. The Workforce Investigation Policy and Procedure exists to promote fairness, order and a consistence approach in the treatment of Southern Health employees.
   - Promote equal opportunity by identifying individual needs.

5. The Trust has embedded diversity and inclusion programmes and will strengthen this further with the launch of staff diversity networks and embedding the principles of the Equality Act 2010, Human Rights Act and associated national equality frameworks in the delivery of People development programmes.

Who was involved in the consultation of this document?

<table>
<thead>
<tr>
<th>People Development Team: February 2019</th>
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<tr>
<td>Human Resources Team: February 2019</td>
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An impact assessment is a process of identifying and removing any barriers (arising from policy or practice) that may cause discrimination against a protected group: Please describe the positive and any potential negative impact of the policy on service users or staff. In the case of negative impact, please indicate any measures planned to mitigate against this by completing stage 2. Supporting Information can be found be following the link: www.legislation.gov.uk/ukpga/2010/15/contents

<table>
<thead>
<tr>
<th>Protected Characteristic</th>
<th>Equality Analysis</th>
<th>EIA Impact</th>
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<tbody>
<tr>
<td>Age</td>
<td>• Southern Health has 100% workforce equality monitoring to age; • The trust has an ageing workforce and the largest age group is within the 45-55 age range; • The Workforce Investigation Policy demonstrates due regard to eliminate unlawful discrimination as it focuses on behaviours that champion the organisational values. • The policy aims to improve staff engagement in terms of staff</td>
<td>Positive Impact</td>
</tr>
</tbody>
</table>
experience during Workforce Investigation interviews, and therefore the retention of staff including younger staff (19-25) who are over-represented in staff leavers within 12 months.

| Disability | The Trust has 90% workforce equality monitoring to disability; 5% of the workforce has declared 'yes' to disability. The Trust launched a Staff Disability Equality Network in December 2019 to champion delivery of the WDES. Analysis of the NHS Staff Survey results shows that the experience of disabled staff must be improved. The Policy will aim to offer a personalised and sensitive service to enable conversations to improve staff engagement and experience with a new focus on health and wellbeing. The Policy does not address the additional requirements that maybe needed for disabled staff. |
| Gender reassignment | The Trust have launched an LGBT+ Staff Equality network in February 2019. A negative impact has been reported for this EIA due to the lack of evidence of engagement with staff who have or are in the process of re-assigning their gender. |
| Marriage & civil partnership | The Trust has 100% workforce equality monitoring to Marriage and Civil Partnership. The Workforce Investigation Policy enables a conversation on staff health and wellbeing, which is addressed at the forefront of the investigation. |
| Pregnancy & maternity | The Trust has 100% workforce equality monitoring to Pregnancy and Maternity. The policy enables a conversation on staff health and wellbeing and will demonstrate due regard to individual needs of staff. Workplace Options and wider internal support services are available. |
| Race | The Trust has 90% workforce equality monitoring to Race; The Trust has launched a Staff Race Equality Network in February 2019 to champion delivery of the WRES. The Appraisal will enable a conversation to further strengthen the Trust race equality journey and demonstrate due regard to the requirements of the PSED. BME staff are over-represented in being subject to Disciplinary at the Trust. This is being investigated via the Trust WRES Action Plan. |
| Religion/Belief | The Trust has 90% workforce equality monitoring to Religion/Belief; A negative impact has been reported for this EIA due to the lack of evidence of engagement with staff in regard to religion and belief. |
| Sex | The Trust has 90% workforce equality monitoring to Sex; A negative impact has been reported as the workforce diversity scorecard reports an under-representation of women in Band 8a and above and a Gender Pay Gap of 18% in 2018. Men are over-represented in being subject to disciplinary at Southern Health. This will be investigated via the equality plan 2019/20. |
| Sexual Orientation | The Trust has 90% workforce equality monitoring to Sexual Orientation; The Trust will launch an LGBT+ Staff Equality network in |

Gender reassignment
- The Trust have launched an LGBT+ Staff Equality network in February 2019.
- A negative impact has been reported for this EIA due to the lack of evidence of engagement with staff who have or are in the process of re-assigning their gender.

Marriage & civil partnership
- The Trust has 100% workforce equality monitoring to Marriage and Civil Partnership.
- The Workforce Investigation Policy enables a conversation on staff health and wellbeing, which is addressed at the forefront of the investigation.

Pregnancy & maternity
- The Trust has 100% workforce equality monitoring to Pregnancy and Maternity.
- The policy enables a conversation on staff health and wellbeing and will demonstrate due regard to individual needs of staff. Workplace Options and wider internal support services are available.

Race
- The Trust has 90% workforce equality monitoring to Race;
- The Trust has launched a Staff Race Equality Network in February 2019 to champion delivery of the WRES. The Appraisal will enable a conversation to further strengthen the Trust race equality journey and demonstrate due regard to the requirements of the PSED.
- BME staff are over-represented in being subject to Disciplinary at the Trust. This is being investigated via the Trust WRES Action Plan.

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February 2019:
- The Trust was a sponsor of Pride in 2018 promoting Southern Health as an inclusive employer and opportunities to join the organisation;

Stage 2: Full impact assessment

<table>
<thead>
<tr>
<th>What is the impact?</th>
<th>Mitigating actions for negative impacts</th>
<th>Recommended Action for inclusion in Appraisal</th>
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<tbody>
<tr>
<td>Understanding individual roles and responsibilities to delivering equality and diversity in everything we do</td>
<td>1. EDHR Policy&lt;br&gt;2. EDHR Training&lt;br&gt;3. Equality Standard and associated equality frameworks&lt;br&gt;4. Staff Engagement and Inclusion programme 2019/20</td>
<td>How does equality and diversity impact on the service I deliver in regard to:&lt;br&gt;1. Better health outcomes for all&lt;br&gt;2. Improved patient access and experience&lt;br&gt;3. Staff engagement and experience&lt;br&gt;4. Inclusive leadership</td>
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