

CONDUCTING, MANAGING AND PRESENTING WORKPLACE INVESTIGATIONS

INTRODUCTION

Workplace investigations can arise from a variety of sources and can often be very involved, complex and stressful for all parties concerned. As an Investigating Manager, you may be asked to investigate disciplinary matters relating to the conduct or capability of staff, or you may be asked to look into issues that have surfaced as a result of staff raising a grievance through the grievance procedure (which may or may not have a disciplinary element to them). Increasingly, managers are asked to investigate complaints relating to harassment, bullying or discrimination in the workplace which require particular knowledge and skills. Investigations may also be commissioned as a result of adverse or untoward incidents which result in a serious incident review or a management review taking place or may be generated from complaints which need to be investigated and managed under the complaints procedure. An added complexity to the investigation process, therefore, is that often investigations cut across a variety of policies and procedures. Investigating Managers need to be clear about the point at which these policies and procedures merge and ensure that a full and thorough investigation is carried out which complies with all relevant policies and procedures, whilst ensuring that the investigation is conducted promptly and fairly.

The purpose of any investigation should be to objectively determine what has happened in a fair, transparent and non-judgemental way and to make recommendations to facilitate an improvement. It is important that this 'improvement philosophy' is maintained so that staff respect the investigative process as being one of credibility, fairness and objectivity. Equally important is to ensure that all workplace investigations are conducted, managed and concluded in a reasonable manner which includes the requirement for all investigations to be conducted promptly and in line with organisational time-limits to ensure that the Trust's duty of care towards its staff and good employment practice is maintained.

The purpose of this manual is to provide guidance and support for managers who are required to conduct, manage and present internal workplace investigations in accordance with legislative, organisational and procedural requirements. It outlines the legal and procedural framework underpinning investigations in the workplace and establishes good practice principles, skills and techniques for conducting and managing the investigation, generating the investigation report and presenting the finding of the investigation process at any subsequent hearing. The manual also includes a variety of 'good practice' templates, letters and frameworks that can be used by Investigating Managers to ensure that a robust and well-structured investigation is carried out effectively and promptly.

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Section One

THE LEGAL AND PROCEDURAL FRAMEWORK

1.1 DISCIPLINARY INVESTIGATIONS

Discipline in effect is the maintenance of good organisational rules. Clear rules provide a framework for employees: they know the standard expected of them and what will happen if they fall short of that standard. The law requires that the statement of terms and conditions given to each employee must include a note specifying any disciplinary rules affecting the employee. Once rules have been devised, the next stage is to ensure that they are drawn to the attention of all concerned – both individual employees and the managers and supervisors who will implement them.

No less importantly, disciplinary rules provide a framework so that managers are aware of the organisation's policy on disciplinary matters and can take action in a consistent manner. The disciplinary rules of 5 Boroughs Partnership NHS Trust are set out in the Trust's 'Disciplinary Policy' on the Trust intranet.

The Trust's 'Disciplinary Policy' ensures that a consistent, fair and reasonable procedure is followed when conducting disciplinary investigations and provide that the employee must have the opportunity to know the case against him or her and have the opportunity to respond to any allegations and put forward any mitigation. This is especially important when it comes to disciplinary matters. Not only will unfair or inconsistent treatment result in employees feeling alienated and aggrieved, it could well result in successful unfair dismissal claims and the consequent awards of compensation. Following a fair disciplinary procedure is therefore an essential ingredient of running any successful organisation.

With regard to the investigation process, employment legislation provides for a general requirement of no unreasonable delay, reasonable timing and location of meetings, an opportunity for both employee and employer to put their case and a more senior person, as far as is reasonably practicable, to hear any subsequent hearing and appeal. An investigation should be carried out prior to any sanction and that investigation must also be fair and reasonable and in accordance with the Disciplinary Policy and Procedure.

Disciplinary investigations may relate to the conduct or capability of the employee. Issues relating to conduct are concerned with unacceptable behaviour or the breach of disciplinary rules - '**I could but I won't**'. Capability is assessed by reference to skill, aptitude, health and any other physical or mental quality and is therefore an inherent inability to do the job (i.e. achieve acceptable performance) - '**I want to but I can't**'. In order to establish how a particular situation should be handled, it is essential to investigate all the circumstances.

Good employee relations depends upon fair treatment of employees. To be fair to them an employer must understand the background to a potential disciplinary matter, hence the overriding need for an objective and diligent investigation as only when the facts are known will the appropriate course of action be readily identifiable.

1.2 GRIEVANCE INVESTIGATIONS

A 'grievance' is any concern, problem or complaint that employees raise with their employer' and usually relate to a complaint by an employee about an action which his/her employer has

taken or is contemplating taking in relation to him/her. When considering whether an employee has raised a grievance it is important to note that the employee does not have to say 'grievance' or invoke the grievance procedure, provided that the complaint or concern is in writing (including e-mail). It is only necessary for the employee to set out the general nature of the grievance, not in every detail.

All grievance investigations must be conducted in accordance with the Trust's 'Grievance Policy', available from the Trust intranet, which aims to resolve the grievance as informally and speedily as possible at the lowest possible level of management. This means that every step and action during the investigation process must be undertaken without unreasonable delay and the time and location of any meetings must be reasonable.

Good practice in any grievance investigation would suggest that there should be plenty of time for the employee to state what their complaint is and a consideration of what they say.

1.3 'RESPECT AT WORK' INVESTIGATIONS

'Respect at Work' covers issues relating to harassment, bullying and discrimination.

Harassment is a type of discrimination. It is where:

'A engages in unwanted conduct which has the purpose or effect of violating B's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment for B' (The Employment Equality (Sex Discrimination) Regulations 2005)

Bullying involves:

'Repeated negative actions and practices...directed at one or more workers....unwelcome to the victim...where the victim has difficulty in defending themselves' (Chartered Institute of Personnel and Development)

In harassment or bullying investigations, definitions of what constitutes harassment and/or bullying are useful but not necessarily comprehensive. The difficulty in investigating harassment and bullying complaints is often that the impact of the behaviour is subjective and dependent on an individual's tolerance regarding such behaviour. The key to investigating harassment or bullying complaints is to focus on the actual behaviour being complained of (the view of the objective reasonable person) as well as its impact on the recipient (the subjective perception of the complainant). Harassment is unlawful where it falls within the scope of the anti-discrimination laws (sex, race, disability, age, sexual orientation, religion/belief). It need not be intentional,- the test of reasonableness is in establishing whether the perpetrators conduct had the necessary effect and one incident can be enough.

Bullying is any persistent behaviour which undermines the confidence and self-esteem of the recipient – it tends not to be a one-off incident and is often negative behaviour to which the recipient has been subjected to repeatedly (more than once). Again the objective test is to focus on the behaviour complained of and whether a reasonably objective person would construe this as bullying.

It is therefore important to be consistent and to treat people in comparison to how other employees have been treated in similar circumstances by following the organisation's 'Respect at Work' policy which will give examples of the types of behaviour that is not tolerated by the organisation and could be construed as harassment and/or bullying. The disciplinary policy will also outline inappropriate conduct.

Therefore, in investigating harassment and bullying, the Trust's 'Respect at Work Policy', available from the Trust intranet, must be followed. This provides for an initial informal stage during which the complainant can seek support/confidential advice and possibly an informal solution. Many organisations now offer mediation as a way of resolving complaints in the first instance. However, there are instances where informal approaches will not be appropriate – particularly where the allegation is a serious one and could be construed as misconduct or gross misconduct. In these circumstances (or where the individual does not want to pursue an informal approach and/or mediation) a formal investigation will be necessary to establish the facts)

1.4 OTHER TYPES OF WORKPLACE INVESTIGATION

Adverse Incidents

In conducting investigations into adverse incidents, the 'Serious Incident Review Policy and Procedure' must be followed (see Trust intranet). It may also be necessary to consider links with other policies and procedures (e.g. disciplinary policy) and may involve interviews with people outside the organisation.

Complaints

In conducting investigations into complaints, follow the 'Complaints Procedure' (see Trust intranet) and timescales. Again consider links with other policies and procedures and the need to interview people outside the organisation

Section Two

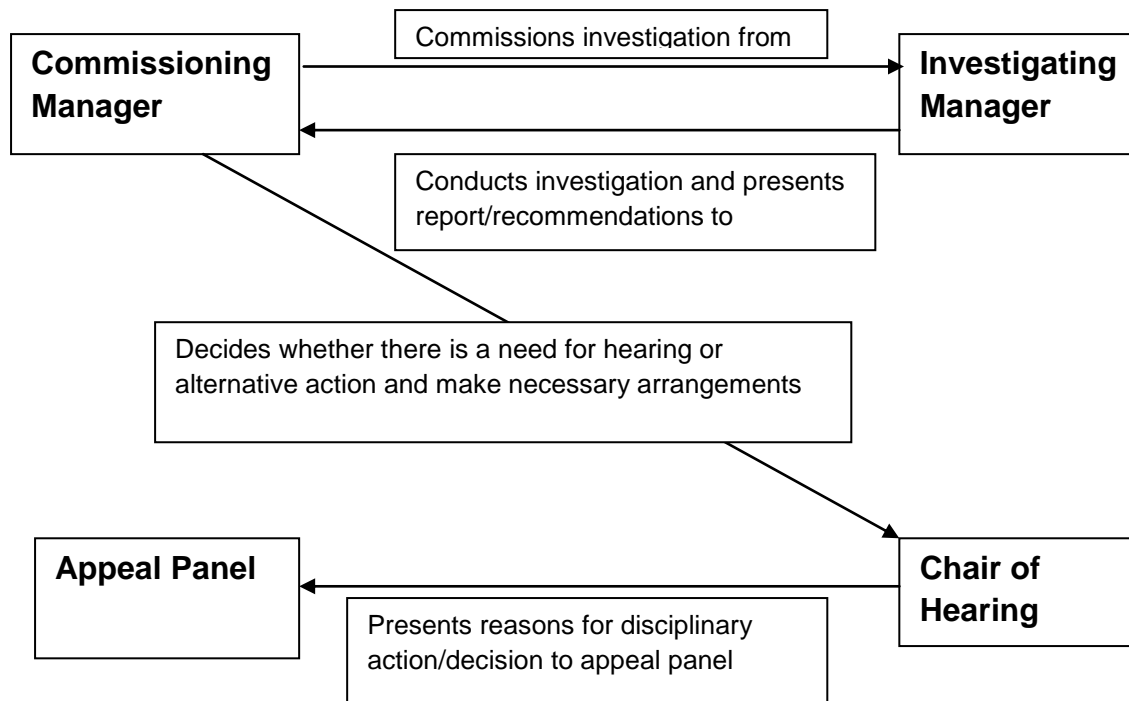
THE ROLE OF THE INVESTIGATING MANAGER

When a workplace investigation is required, the first step is to appoint an Investigating Manager or Manager(s). The Investigating Manager should be able to carry out the task of:

- Carrying out a reasonable investigation within the range of reasonable responses (i.e. what a reasonable employer would do)
- Collect the evidence and
- Establish enough facts upon which to
- Reach a reasonable decision on the balance of probabilities as to what the facts are
- With reasons to support that conclusion

The Investigating Manager will be required to present the findings of their investigation and conclusions reached at a hearing as the person presenting the management case. It is important that the Investigating Manager is credible to all parties and therefore care should be taken in the choice of the Investigating Manager. Given the importance of the investigation process, it follows that the Investigating Manager should have the necessary knowledge and skills and be capable of conducting a full and thorough investigation. The Investigating Manager must also be able to demonstrate objectivity and a lack of bias regarding the outcome. To ensure objectivity, it is not appropriate for the Investigating Manager to be part of the case (i.e. someone who witnessed the allegation/situation or was involved in some way). To ensure credibility, the Investigating Manager should be at least as senior or more than the employee being investigated, have been trained appropriately and should have the necessary time and support by which to conduct a proper investigation.

An investigation is usually commissioned by someone of appropriate seniority in the organisation (Assistant Director level and above), who asks the Investigating Manager to conduct a full and thorough investigation and should, ideally, set the terms of reference (or at the very least give full details of the complaint/allegation). The Investigating Manager carries out that investigation and presents his or her report to the person who commissioned the investigation. Sometimes it is necessary for the Investigating Manager to go back to the Commissioning Manager during the investigation to reframe the terms of reference (i.e. if the issue has become wider or new allegations have been made). Once the final report is received, the Commissioning Manager decides whether there is a case to answer (the Investigating Manager recommends) and arranges for any further action (e.g. a hearing – disciplinary or grievance). The Chair of the Hearing Panel (who cannot be the Investigating Manager) decides on any action to be taken after hearing the case from both sides. Should the employee appeal, the Chair of the Hearing Panel presents the reasons for the action/decision to an Appeal panel who make a final decision. The Chair of the Hearing Panel may ask the Investigating Manager to be present as a witness.



The purpose of any investigation is to find out what happened in a non-judgemental way. It is important that this 'improvement philosophy' is maintained so that people respect the investigative process as being one of credibility, fairness and objectivity. This approach helps to take out some of the adversarial nature of the investigative process. Each investigation is unique and there is no 'magic formula' which will guarantee a satisfactory conclusion. However, there are a number of principles which can help investigators. The purpose of any investigation is to determine the facts about a matter, to establish the most likely picture of what happened (or did not happen) from an analysis of the facts, to identify any problems and the sources of those problems and to make practical recommendations for improvement. Different kinds of issues will obviously require different processes of investigation, however, the essential purpose should remain the same.

The Investigating Manager should ensure every action is taken in accordance with the 'improvement philosophy'. The investigation should be timely and must be planned with an open mind and consistent with organisational policies and procedures.

Improvement Philosophy	
Purpose:	<ul style="list-style-type: none"> • Find out what happened • Identify any problems and source • Practical recommendations for improvement
Investigation characterised by:	<ul style="list-style-type: none"> • Dealing with information • Talking with/interviewing people as sources of information • Problem-solving discussions

Outcome:	<ul style="list-style-type: none"> • Real improvements • People come to respect the investigative process
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Section Three

PRECAUTIONARY SUSPENSION

3.1 THE DECISION TO SUSPEND

In some circumstances, it may be necessary to suspend the employee as soon as the offence or allegation comes to light. Suspension may be necessary in cases of alleged gross misconduct, as soon as it becomes apparent that dismissal may be a real possibility or where there is a real risk to staff or clients. Suspension should therefore not take place without a reasonable suspicion of gross misconduct following a preliminary investigation.

Suspension may also be appropriate in circumstances where it is necessary to enable the investigation to take place (particularly if there is a likelihood that evidence could be tampered with or witnesses intimidated). However, care should be exercised before deciding to suspend an employee. Suspension is a very public action and could undermine the contractually implied term of trust and confidence between an employer and employee, leading to claims of constructive dismissal. Alternatives to suspension/exclusion should always be considered which may include:

- Movement to another department/location (so that the investigation cannot be impeded or by moving the member of staff to a lower risk area);
- Ensuring that the complainant and the alleged perpetrator do not work together on the same shift (to avoid risk of contact, particularly in bullying cases);
- Transfer to other duties (to minimise risk);
- Removing the member of staff from flexible working arrangements (for example in allegations regarding falsification of flexi-time records).

It is important to be able to demonstrate that alternatives have been considered and have been reasonably discounted.

The decision to precautionary suspend a member of staff will be made at Assistant Director level or above and should take place at the earliest opportunity following the decision to suspend. A checklist for Suspending Managers is provided at Appendix I.

3.2 THE SUSPENSION MEETING

The suspension of the employee takes place during a suspension meeting at which the member of staff may be accompanied by a trade union representative or work colleague. When carrying out a suspension or exclusion, it is often useful for the employee to have a representative present. The Trust's 'Disciplinary Policy' provides that the employee may have a representative present where reasonably available. The representative can help in explaining the terms of the suspension to the employee either during or after the suspension.

Whilst every reasonable effort should be made to ensure that the member of staff can be accompanied if they so wish, the need for immediate action will override the necessity of a representative being present.

A script outlining what needs to be included in that meeting is provided at Appendix II. During the suspension meeting it will be necessary to obtain any Trust property held by the employee and the checklist at Appendix III should be used.

Make sure that the terms of suspension are put in writing to the employee and are clearly understood. The template letter provided at Appendix IV should be used to inform the employee of the reasons and terms of the suspension. Advise the employee that they have been suspended/excluded pending an investigation into allegations that they did x, that suspension is not a disciplinary measure but a means by which to enable the organisation to conduct a full and thorough investigation into the matter. Whilst suspended, they will be on full pay and therefore are expected to attend meetings as part of the investigation as reasonably required. Also be clear that they should not come onto the premises without the permission of a named manager (either the Investigating Officer, Commissioning Manager etc.), except as an emergency patient. If the employee does need to come onto the premises or contact work colleagues (i.e. to collect witness statements or other evidence as part of their own case) this should be granted and appropriate arrangements made to facilitate this whilst still adhering to the purpose of the suspension.

Let the employee know the approximate duration of the suspension (the disciplinary policy specifies a maximum of 3 weeks) and that you will contact them if there are any delays to this timescale. It is also important to be clear that any investigation may result in a disciplinary hearing being convened at which disciplinary action may be taken against them (so that they are in no doubt as to what is happening).

3.3 SUSPENSION ARRANGEMENTS

Suspension should be for as short a time as possible to minimise the risk of a breach of trust and confidence, the costs of suspension and also for the benefit of the employee during what is a stressful situation. The Trust's 'Disciplinary Policy' provides that suspension should be for a minimum of 3 weeks. Anything over 3 weeks is unacceptable unless there are very good reasons. Suspensions over 3 weeks must be authorised by the Chief Executive. If there are any delays and an extension to the suspension period has been authorised, this should be communicated promptly to the employee using the template letter provided at Appendix V.

Suspension should be on full pay in accordance with the disciplinary procedure, to avoid breach of contract claims, and most importantly as suspension is not meant to be a disciplinary measure in itself merely a 'holding' measure pending an investigation which may be substantiated or unfounded. Where employees are suspended from duty, payroll must be notified immediately using the template memorandum provided at Appendix VI.

Section Four

THE INVESTIGATION PROCESS

4.1 APPOINTMENT OF INVESTIGATING OFFICER

As soon as an allegation or complaint comes to light which necessitates an internal workplace investigation, the manager authorised to commission an investigation (which will normally be at Assistant Director level or above) will contact the Human Resources Department to identify an appropriate Investigating Manager from a list held within the Human Resources Department. Once an appropriate Investigating Manager is identified, the Commissioning Manager will agree the terms of reference for the investigation with the Investigating Manager.

A key consideration will be who, or what mix of people, would be most appropriate to undertake this investigation. It is important that the investigators are (and are seen to be) competent, impartial and drawn from appropriate disciplines and levels. As an Investigating Manager, be prepared to go back to the person commissioning the investigation if you consider that you are not an appropriate person to undertake a particular investigation. If necessary, be prepared to co-opt other appropriate people to support you in your investigation (e.g. people who can tell you about best practice in a particular discipline, someone to work with you in carrying out a challenging interview etc).

4.2 TERMS OF REFERENCE

As an Investigating Manager, you must ensure that you are entirely clear about what it is you are to investigate and what timescale you are working to. If the person commissioning the investigation is not able to, provide specific terms of reference then be prepared to establish your own (perhaps after an initial exploratory phase) and check these out with the Commissioning Manager.

The nature of the allegations will inform the terms of reference for the investigation. It is important to be clear about the allegation/nature of the complaint being investigated and which organisational rules are alleged to have been broken before putting the allegation to the employee, as they have a right to know the nature of the complaint being made against them before responding. A framework for outlining and agreeing Terms of Reference is provided at Appendix VII.

Within 5 Boroughs Partnership NHS Trust, there are mandatory timescales for conducting an investigation and producing a final report to ensure that the investigation is conducted promptly in accordance with legislative, procedural and good practice requirements. This means that all investigations **MUST** be conducted within a three week period, unless there are exceptional circumstances which prevent this timescale from being achieved. In such circumstances, the Investigating Officer must apply for an extension to the timescales via the Director of Human Resources and Organisational Development who may or may not grant an extension, dependent upon the circumstances and substantial merits of the case. Where a member of staff has been suspended, the application for an extension of the timescales for the investigation is to the Chief Executive, who may or may not grant an extension.

4.3 PLANNING THE INVESTIGATION

To ensure that timescales are adhered to, it will be important to consider what your working methods will be and to plan your time. Consider what resources will you need (e.g. where will you be based, access to people and documentation, stationery such as flipchart paper and pens, post-its etc., IT resources, secretarial support etc.)

Determine what areas of information you will need and only then consider from what sources you would be able to draw this information. Very often, you will be looking at information to tell you what the focus of the investigation should be (e.g. establishing the main issue(s) of concern when someone is making a complaint or defining the incident). This also enables terms of reference to be clarified or made more specific. Consider the sequence of events leading up to, during and following an alleged incident (i.e. what actually happened). Gather together relevant policies, procedures, protocols, guidelines etc. which describe what should have happened. From the above, you can establish whether there were any gaps between what did happen and what should have happened. Further investigation may be required to determine matters such as the underlying causes of these mismatches, the extent to which any such gaps contributed to the problem, how robust are the policies and procedures and what may need to change to reduce the likelihood of re-occurrence

The extent of the investigation process must be reasonable in all the circumstances and adequate. The investigation process must take into consideration the rules, policies and procedures of the organisation pertaining to the matter being investigated and may also need to take into account regulatory obligations (e.g. NMC and GMC Codes of Conduct).

4.4 GATHERING DATA AND INFORMATION

When dealing with any disciplinary matter, investigation should be started as soon as possible, before people's memories have a chance to fade. An attempt should be made by the Investigating manager to gather all the relevant information, including statements from witnesses where relevant. Any investigation should be conducted in a calm and considered way. Where workplace misconduct is concerned, witnesses should be questioned away from the area in which the misconduct occurred, wherever practicable, to prevent their being influenced by colleagues.

Make sure you are familiar with the physical environment(s) relevant to the alleged or actual incident (go and see it or ask for a map etc.)

Use diagnostic questions to think widely about the matter and interview obvious and potential witnesses (it is often useful to see any complainant first to clarify the terms of reference and the nature of the allegation)

Use documents such as logs, records, schedules, reports, notes, policies, procedures, protocols etc. which pertain to the matter being investigated.

Where relevant, obtain objects such as weapons, clothing or anything else which might provide forensic evidence (get hold of them as quickly as possible to prevent tampering or disappearance). Act quickly where data could be interfered with/ lost

4.5 MANAGING INFORMATION

Investigations generate a substantial amount of data and information that must be managed appropriately if conclusions are to be drawn effectively. The following working documents will

help you to manage and integrate the information generated and help to identify the next steps in the investigation. Keep it **VISUAL** – use large sheets of paper so that Working Documents are highly visible throughout the investigation

The Report Structure

The report is the document which captures and reflects the quality of your investigation and helps other people to take the most appropriate action. A template for the report is provided at Appendix XVIII. Experienced investigators will start writing their reports as soon as they are clear about the terms of reference and continue adding information under the headings of the report structure as they progress through the investigation. The helps ensure that the report accurately conveys the process and findings of the investigation and also saves a great deal of time.

Find Out Sheet

This is simply a large piece of paper (e.g. Flipchart) divided into three columns. Down the left hand column, list all the things you want to find out. Enter where you can get this information from in the middle column. Once acquired, the information can be added on the right hand column of the paper.

Who's Who

Simply list the people who feature in the investigation together with their role. This is especially helpful where there are a lot of people and/or people with similar sounding names. Colour-coding can be used to highlight factors that might be significant (e.g. location, agency, relationships).

Hypotheses

We are human beings – as soon as we start looking into something, we start generating hypotheses (e.g. about what exactly happened, who might have done what, who might be responsible for what, peoples motivations etc.). When working in a team, different people may 'champion' different hypotheses. Use a large sheet of paper to write up any hypotheses – this reduces personal 'ownership' of hypotheses and the possible tensions and disagreements that can go with this. It is also helpful in keeping a range of hypotheses in mind at any time, considering what information would be needed to check out each hypotheses and recording when and why a particular hypotheses has been discarded.

Timeline

The timeline allows us to take information from the 'Find Out' document and place it in chronological order – this builds up the sequence of events. Good use of a timeline can help us reconstruct what actually happened, see consistencies and inconsistencies in the data, identify gaps in our knowledge and plan where next to go with our investigation. The

information on the timeline feeds directly into the 'Findings' and 'Issues of Concern in the Evidence' sections in the report structure.

3.4 ANALYSE AND EVALUATE

Analysis and evaluation involves looking for consistencies and inconsistencies between the data/information. Sometimes there will be two conflicting versions of events and non-conclusive evidence as to which version is the true one. In such circumstances, a manager will need to assess which scenario is more likely to be accurate, based on the balance of probability and taking into account individual and particular circumstances. Apply logic – “if this is the case, then that must (not) be the case”. Look at the information you have and establish where there are gaps in information. Consider any consistencies and inconsistencies between witnesses and how these may be interpreted. Also consider whether there is information that you can dismiss and on what grounds.

Identify the assumptions you are making and challenge them with the data

3.5 REVIEW

Regularly take stock of where you are in the investigation – especially if the investigation is complex/protracted. It may be useful to bring in another person to act as a sounding board if you are working alone (HR or an appropriate colleague not involved in the investigation in any way).

Re-read documents and notes from witnesses to establish if you have missed anything or misinterpreted anything.

3.6 CONCLUSIONS

Conclusions are drawn from the findings (facts established). Make logical connections between the facts including judgements as to what did happen and what should have happened. The conclusions of the investigation are based on the 'balance of probability' rather than the criminal burden of proof which is 'beyond all reasonable doubt'. In order to show that you have acted reasonably you must establish that you have a genuine belief as to what has happened on the facts found, that you have reasonable grounds on which to base that belief and that those grounds emerged after a sufficient investigation.

Make sure that your conclusions relate back to the Terms of Reference – fully supported by facts and analysis.

3.7 RECOMMENDATIONS

Keep a note of recommendations as they occur to you whilst going through the investigation. Recommendations should be drawn directly from conclusions and should be specific, clearly stating what should be done and/or specify the end result to be achieved. Recommendations should also be valid (where implementation would significantly reduce the likelihood of re-occurrence of identified problems) and achievable (in the view of key decision-makers).

Section Five

FRAMEWORK FOR INTERVIEWING

5.1 PLANNING AND PREPARATION

It is very important to be mentally and emotionally ready to undertake the interview; not to feel ill-prepared or in a hurry. Gather background information (e.g. documentation) and bring this with you if you intend to refer to it. Consider what evidence you have at the moment and what is missing.

Consider the order in which you will conduct the interviews. As a general rule, it is often helpful to interview in the following order:

- Complainant
- Witnesses
- Person against whom allegations have been made
- Witnesses

Prior to each interview, clarify the purpose so that you clearly understand why you are interviewing this person. For example:

- **Complainant:** to ensure you clearly understand the issues about which they are complaining (not to defend the organisation);
- **Witness:** to help them share the information they may have about a matter;
- **Person named in a complaint:** to hear their account and to give them the opportunity to describe what happened and to respond to the specific allegations that have been made against them (not to assess their guilt or innocence);
- **Expert witness:** to establish a professional view about the nature of a matter and/or how a matter should have been dealt with

In all of the above, you will probably have specific issues that you will want to discuss with the person – these issues form your ‘agenda’. Consider the ground to be covered and the specific issues that you want to cover with the person (these are likely to be generated from gaps and inconsistencies in the timeline or other evidence). Make notes beforehand to remind you of the areas to be covered.

Consider how are you going to raise sensitive issues (e.g. matters about which the person may feel embarrassed or defensive). Also consider the level of detail you require from the interviewee (e.g. is it sufficient to know the broad content of a discussion between a doctor and a nurse or do you need to establish what exactly was said by each).

Think about your approach to the interview (e.g. with a bereaved relative, you will probably want to start by expressing your genuine sympathy, show you are concerned to listen to his/her concerns and seek to reassure that you want to take a full and detailed review to establish exactly what happened and whether there are any lessons to be learned, with an expert witness, you may want to try to establish a colleague-to-colleague atmosphere in which you work through information in a joint problem-solving manner.

In setting up interviews, consider how are you going to invite the person to the interview and where will you hold it. It is important to consider the sensitivities of other people seeing their colleagues disappear into an office to be interviewed.

When interviewing the alleged perpetrator(s) make sure you are clear about whether this is a conduct or capability matter (and therefore which policy and procedure you are following), the precise nature of the rule or performance standard that has allegedly been breached, where that rule or standard is set out etc. It is useful to check training/appraisal/ disciplinary records by obtaining the personal file of the employee prior to meeting with them.

Standard template letters to be used in setting up interviews during the investigatory process are provided at Appendices VIII and IX..

5.2 CONDUCTING THE INTERVIEW

It is important to understand that you are there to speak to the person adult to adult in order to conduct an impartial and robust investigation. Recognise that this may be a difficult or worrying experience for the person; both the fact of the investigation but also they may be concerned if they have been involved in something that has gone wrong. A template for the investigation interview is provided at Appendix X.

Introduce yourself. Remind the person what the investigation is about; that the organisation is concerned to find out what has happened to see if there are any lessons to be learned. It may be useful to say that other people involved in the matter are being interviewed, especially if this person is amongst the first to be seen.

If the interview is with the person against whom allegations have been made explain that this is not a disciplinary hearing, however, the findings of the investigation could lead to disciplinary action being taken against them at a later date. It may be helpful to describe to the person what matters you want to discuss with them and check that they are prepared to discuss these matters. Explain the need to take notes – say that you would like to read them through at the end of the interview to ensure they are accurate. Ask if the person has any questions before proceeding. This can be crucial because there may be an issue the person needs to clarify before they feel comfortable continuing. Do not rush the above – bring care to how you handle this section. It is a critical time which allows the person to orientate to the interview and to make a judgement about you as the interviewer(s).

Elicit a free recall of each relevant matter so that you can try to understand in as much detail as possible what the person remembers having happened. You may want to explore the reasons why the person took the action they did, or what they understand of a particular procedure. If you have information from your investigation which is at variance with what another person has said or documentary evidence, be prepared to present this information to the person and offer them the opportunity to respond to it.

When interviewing someone who has had allegations made against them, it is important that the person has the opportunity to answer those allegations. If the person has not denied an allegation, towards the end of the interview, ask them directly.

Summarise regularly. If a colleague has been taking notes it is a good idea to bring them in to summarise. Summarising is very important both in ensuring that you have an accurate understanding of what the person has said but also in pacing the interview and communicating to the other person that you really do want to hear what they have got to say.

Check once more if the person has any more questions before closing. Summarise what you (or the note-taker) has recorded and obtain agreement that this is an accurate reflection of the interview.

Explain what will happen next (e.g. that a copy of your notes will be sent to the person to check for any factual inaccuracies, that you will be interviewing other people, that you will be writing a report). Explain to the person that you may need to interview them again. This paves the way for the eventuality and is therefore less likely to create anxiety to the person should you need a 'follow-up' interview. Remind the person of who you are and how you can be contacted. Thank the person for their time and help.

5.3 FOLLOWING THE INTERVIEW: ANALYSING AND EVALUATING

Try to do this immediately following the interview – whilst the memory is still fresh. Fill out your notes to elaborate on any matters you did not record fully.

Consider what new information you have gained– what gaps does it fill, how consistent is it with the other information, have any inconsistencies been resolved? How well does the information fit with other information you have gathered? Have any new issues been raised? Apply your findings to your timeline and enter new areas to be explored on your find out sheet.

Identify the next step in the process given the information you now have. This leads to planning and preparation for the next interview.

Write up the notes immediately following the interview. Send them to the interviewee to check for factual accuracy and ask them to sign and send back. Sample letters are provided at Appendices XI and XII. If there is any disagreement on content, record areas of disagreement separately from the notes.

Section Six

THE ROLE OF REPRESENTATIVES

The role of the representative includes:

- Supporting staff before, during and after the interview (e.g. providing information to their client, helping their client 'think through' their position, clarifying the procedure, reassuring the client of their rights, providing emotional support for the client).
- Ensuring 'due process' is followed throughout the interview and the investigation process. In particular, a representative will challenge an interviewer if they believe:
 - Their client was not fully informed of the purpose of the interview and/or not fully informed of any accusation/allegation that has been made;
 - The interviewers have made any pre-judgement about their client in relation to the matter being investigated;
 - The interviewers are asking irrelevant questions;
 - The interviewers are attempting to intimidate, ensnare or put words into the mouth of their client;
 - In any other way, the proper procedures are not being followed.

The ways in which the role of the representative may be overstepped include:

- Answering questions on behalf of client;
- Attempting to put the interviewer(s) on the 'back-foot' (e.g. by testing out the interviewers understanding of the procedure, unnecessarily and continually challenging the relevance of questions, presenting intimidating verbal / non-verbal behaviour);
- Attempting to distract the interviewer(s) from a legitimate line of questioning (e.g. use of humour, changing the subject)

Unhelpful behaviours during the interview process may be managed as follows:

- Remind both the interviewee and the representative that it is essential that the interviewee answers questions him/her self
- Address your questions directly to the interviewee without being discourteous to the representative. Orientate your body to the interviewee so that it is not easy for the representative to catch your eye.
- Thank the representative for their comments and make a note (and actually do so there and then)
- Explain why you are proceeding in the way you are and check with the interviewee whether they are OK to continue

- Do not fight unnecessary battles (e.g. If the representative demands to see a copy of your notes, respond positively – “of course – and what would be really useful is if we could go through them together before we finish the interview”.
- Be prepared to remind the representative of their role and the importance of all parties keeping to their role in order for the interview to proceed
- If problems persist, be prepared to adjourn the interview and talk with the representative directly about the problems in private.

Such difficulties arise only rarely. Very often, interventions by a representative can be of as much benefit to the interviewers as to the interviewee, especially where these interventions seek to clarify matters or to reassure.

Section Seven

REPORT WRITING

Write the report throughout the investigation. As soon as you are briefed, write up the terms of reference - this is an excellent way to get going and also ensures that your terms of reference are clear

Also be aware of the need to provide updates to key people in the organisation (e.g. If the investigation is taking longer than expected or issues of a much greater degree of seriousness emerge

A template for the Investigation Report is provided at Appendix XIII.

6.1 STRUCTURE OF THE REPORT

Title

Use a suitable title that reflects the overall purpose of the investigation. For example, ‘An Investigation into Management Practices in X Department’. The report should have a front cover marked ‘Strictly Private and Confidential’.

Contents Page

If a report is in excess of 8 pages, a contents page is likely to be helpful – especially if the report contains appendices. Page and paragraph numbering is essential. This will also be helpful in presenting the report to any subsequent hearing. If the report is particularly long, consider providing an Executive Summary.

Introduction/Background

A brief description of the matters and circumstances that have prompted the commissioning of the investigation (e.g. A compliant or an untoward incident) including the specific issues

that need to be addressed within the report. Care should be taken not to include information here that should be placed in the body of the report. Because this section establishes the tone of the document, particular care should be taken over the use of language, clarity and brevity.

Terms of Reference

It is important to understand the purpose of the report therefore terms of reference need to be clear and unambiguous so that the lines of enquiry are relevant. The terms of reference must relate to the allegation being investigated. Facts emerging from an investigation may require the terms of reference to be reviewed (e.g. A further issue needs to be encompassed by the terms of reference or a separate investigation commissioned). Terms of reference need to relate to conclusions and recommendations.

Process (Methodology)

This is a summary of the approach taken in undertaking the review (including the procedures under which the investigation has taken place) and how information was gathered (e.g. who was interviewed and when, documents examined and when). Where appropriate, include policies and other documents (interview notes etc.). These can be included as appendices and referred to by number in this section. Outline any anomalies in the process (e.g. key witnesses being unavailable should be mentioned here).

Facts Established (Findings)

A chronological account of what is known to have happened – this ‘tells the story’ of the unfolding of events relating to the matters under review. This account includes any information about relevant policies, procedures and protocols. If the facts emerging are particularly complex or relate to a number of different issues/allegations, subheadings may be useful.

Issues of Concern in the Evidence

This section highlights any areas of conflict or ambiguity within the gathered evidence (e.g. where people interviewed disagreed about significant matters or where there are important gaps in the evidence).

Analysis/Conclusions

Logical connections between facts are drawn out on the balance of probability not beyond all reasonable doubt. Include an exploration of any mismatch between what is believed to have happened and what should have happened (given policy/procedures/protocols and/or professional judgement of the Investigating Manager or expert witnesses). Include a judgement concerning the root and contributory cause(s) of any such mismatch. Conclusions should relate back to the terms of reference and should be fully supported by facts and analysis. It is important throughout the report, but especially important here, to avoid use of emotive language.

Recommendations

Recommendations should reflect the 'improvement philosophy' for undertaking investigations. Recommendations may address any factor that is judged to have contributed to less than satisfactory service delivery, or which may enhance an already satisfactory service delivery. Such factors may be situational, procedural, resource-related or related to personal style, communication, professional judgement or personal application. Issues arising from the investigation should be highlighted using the form at Appendix XIV.

Authors should be sure that implementations of the recommendations would address the root and contributory causes of any problems identified. It can be useful to formulate action points and responsibilities for each recommendation. Recommendations can be strengthened if they can be related to examples of good and effective practice elsewhere.

Authorship

The report should be signed by the Investigating Manager(s) and dated. Copies of the report and appendices should be kept by each member of an investigating team.

Appendices

Copies of all interview notes, documents examined and plans of all rooms and timeline should be included (all root information and the source). This allows you to track back from recommendations to conclusions to analysis to facts to the source information.

Section Eight

PRESENTING THE REPORT IN A HEARING

The role of the Investigating Manager is to be objective and impartial and to present the facts and findings of the investigation.

During the hearing, the Investigating Manager presents first, outlining the factual findings of the investigation (including evidence for and against) and the conclusions drawn from the findings on the balance of probability and within the range of reasonable responses as part of the Management Statement of Case. A template for the Management Statement of Case is provided at Appendix XVI.

The Investigating Manager may introduce relevant witnesses interviewed during the investigation to give verbal evidence to support the findings of the investigation. Where witnesses are to be introduced, it is the responsibility of the Investigating Manager to arrange for witnesses to attend the hearing as part of the preparation for the management statement of case. A template letter is provided at Appendix XVII. During the hearing, witnesses should be seen separately and should have no opportunity of discussing the hearing with other witnesses.

The Respondent (or their Representative) is given the opportunity to cross-question witnesses in turn and ask questions of the Investigating Manager following the presentation of the case.

The Hearing Panel may ask questions of the Investigating Manager following the presentation of the report to amplify or clarify matters.

The Respondent (or their Representative) presents the employee's case and may introduce witnesses, which can be cross-questioned by the Investigating Manager and the Hearing Panel.

Finally both parties sum up (the respondent is always last)

The Hearing Panel then adjourn to consider the evidence presented from both parties and their decision. Adjournments can be requested by any party at any stage of the hearing (requested via the Chair). The hearing then reconvenes and Chair of the Panel delivers the decision reached.

Section Nine

SOME DIFFICULT INVESTIGATION ISSUES

6.1 ANONYMOUS ALLEGATIONS

Allegations arise from a variety of sources. It is important to consider the credibility of the source at the outset. For example, what if it is an anonymous allegation either received as an unsigned letter or an anonymous telephone call or general hearsay. Clearly this may create difficulties at a later stage if there is no-one to give evidence or to be cross-questioned by the employee and you must therefore consider how much weight you can give to this evidence. A preliminary investigation is essential to obtain any additional evidence that either corroborates or disproves the allegation – (i.e. you need to obtain enough evidence to put the allegations to the employee).

Another scenario that may arise is where you are aware of the identity of the complainant but they wish to remain anonymous, for example for fear of reprisals or may refuse to be interviewed (for fear of the notes being made available to the alleged perpetrator) or attend a hearing. If the complainant is an employee of the organisation then they have a duty of care to comply with their employer's reasonable instruction to take part in a legitimate management investigation. However, you must take any genuine concerns for their health and safety into consideration and evaluate the risk. Where the complainant is external to the organisation then obviously you cannot insist of their taking part – however, it may be appropriate to inform them that without their evidence the investigation may be compromised – you will have to make a judgement. In exceptional circumstances, where it is decided that the witnesses can remain anonymous (balancing the risk to their health and safety with natural justice) you must bear in mind the possibility of false accusations and put in writing to the accused employee a summary of what the witnesses say, without disclosing their identity, so as to record times, places and events. If the investigation results in a disciplinary hearing, the manager conducting the hearing should also hear the witness, perhaps in an adjournment of the hearing, and put to the witness points made on behalf of the accused employee and decide what weight to put on the evidence.

6.1 ALLEGATIONS INVOLVING THEFT OR FRAUD

If the allegation is one of fraud, theft or any other financial impropriety then you must inform the Director of Finance who may involve the Counter Fraud and Security Management

Service. The CFSMS may conduct their own investigation or the investigation may be carried out jointly.

6.2 DIFFICULTIES IN IDENTIFYING THE ALLEGED PERPETRATOR

Another problem that may arise is where a group of employees are suspected but it is impossible to identify through the investigation which ones exactly were the perpetrators. The key is the sufficiency of the investigation. If it becomes clear that one or more of a group are probably guilty, and those who are probably not guilty have been eliminated from the enquiry, and the perpetrators cannot reasonably be identified, the employer is entitled to dismiss the group after a fair hearing.

6.4 ALLEGATIONS OF A CRIMINAL NATURE

If the allegation is of a criminal nature which could lead to a criminal prosecution it will be necessary to involve the police (and the investigation may become more complex as a result and may help or hinder the employer's own investigation). However, the investigation should not be delayed and any decision to dismiss need not wait for the decision of a criminal court. Therefore prior investigation by the employer is essential and the police should not be asked or relied upon to conduct the investigation on behalf of the employer as there is a different burden of proof.

Where the investigation involves allegations of a criminal nature, the employee may refuse to answer questions during the investigation (sometimes on the advice of their solicitor or representative) pending a criminal investigation. If this happens then you should advise the employee that you are conducting an investigation on behalf of the organisation and may have to rely on the evidence that is available to you in coming to a decision, even if key evidence is not provided. It is possible for an employer to dismiss for gross misconduct and for this dismissal to be fair, even if the employee is later acquitted during a criminal trial (because of different burdens of proof).

The Trust's disciplinary policy and procedure states that employees may be accompanied by a trade union representative or a colleague who is an employee of the organisation at any investigatory meeting. It is not appropriate for solicitors to be present during investigation interviews (or the hearing) but will be appropriate for a full time trade union official to be present.

6.5 CONDUCT OUTSIDE WORK

An employee's conduct outside work may also give rise to a disciplinary investigation and subsequent disciplinary action. In determining whether conduct outside work has an impact on the employment relationship, Investigating managers will need to consider:

- Was the offences committed in the course of employment? (e.g. breaches of confidentiality – telling family and friends confidential service-user/patient information)
- What is the nature of employment? (e.g. a driver losing their licence)
- What is the position that the employee holds – is it a position of trust? (e.g. senior manager convicted of drink-driving)

- What is the nature of the incident and is it connected with the employee's employment/job function or not?
- Has the employee been charged/detained in custody/received a custodial sentence?
- What is the effect on employer, customers, clients and other workers? (e.g. is the nature of the conduct such that they pose a risk?)
- Does it affect the employee's ability to carry out their job?
- Does it bring the employer into disrepute? (e.g. a senior manager on the front page of local newspaper having been convicted of drink driving)
- How serious is the offence? (This is a matter of fact and degree)

Appendix I

PRECAUTIONARY SUSPENSION

CHECKLIST FOR SUSPENDING MANAGERS

1.0 Arrangements for the Suspension

- 1.1 The decision to precautionary suspend a member of staff is that of management and will be made at Assistant Director level or above only.
- 1.2 The precautionary suspension should take place at the earliest opportunity after the decision to suspend has been made. If a member of staff is not on duty at the time the decision is made then they should be contacted immediately and advised of the meeting arrangements. In this instance it would be expected that the meeting would take place before they commence any of their duties.

2.0 Advising the Individual of the Meeting

- 2.1 Contact the individual to advise that they are required to attend a meeting to discuss a matter which is serious in nature.
- 2.2 Advise them that they may be accompanied at the meeting by a trade union representative or a work colleague. Whilst it is preferable that staff side/a work colleague is present at the meeting and reasonable effort should be made in securing their attendance, the need for immediate action will override the necessity for staff-side/work colleague to attend.
- 2.3. They **cannot** be represented by a friend, family member or anyone else who is not employed by the Trust.

3.0 Preparing for the Meeting

- 3.1 Ensure that prior to the meeting you have the exact wording of the allegation(s) because you will need to inform the individual of the allegation(s) at the meeting.
- 3.2 Familiarise yourself with the 'Precautionary Suspension Script' and the Trust's Disciplinary Policy, particularly Section 5 and Appendix 5 of the policy, which details Precautionary Suspensions.
- 3.3 Ensure that you have a copy of the Trust's Disciplinary Policy – you will need to give a copy of this to the individual at the meeting (which is available on the Trust's Intranet).

4.0 Precautionary Suspension Meeting

- 4.1 This will be a difficult time for the individual. Whilst it is important that you ensure that you follow the information contained in this checklist, suspension script and the Disciplinary Policy, handle the meeting with sensitivity and give time for them to compose themselves where necessary.

4.2 If, at the meeting, the individual chooses not to be accompanied, confirm that they were advised, prior to the meeting, that they may be accompanied.

4.3 Read out the Precautionary Suspension Script to the individual. If they ask questions or attempt to give you information about the allegations advise them that you are not able to discuss the issues and that these will be explored in the investigation process in due course.

5.0 Annual Leave during Suspension

5.1 During a period of suspension, a member of staff must remain available for fact-finding interviews or any subsequent hearing. Annual leave may be taken during the suspension period with prior authorisation from their line manager and the Investigating Manager.

5.2 If they advise in the precautionary suspension meeting that have already booked annual leave then confirm the dates of the leave. Advise them that you will inform the Investigating Manager of the annual leave they have already booked. The line manager will then confirm with them whether they wish to take these holidays during the suspension period and if they do, they will seek authorisation from the Investigating Manager. Any leave taken will be deducted from the individual's leave entitlement.

6.0 Sickness during Suspension

6.1 If the individual is medically unfit during their suspension they must report this to their line manager and provide medical certificates to support this. The line manager must inform the Investigating Manager immediately.

6.2 In such circumstances the member of staff may be referred to Occupational Health to determine whether they are sufficiently fit to proceed with the Disciplinary process.

7.0 Working during Suspension

7.1 Whilst on precautionary suspension the member of staff will not be permitted to work for any other organisation(s) during their substantive contracted hours of employment with the Trust.

7.2 They are also not permitted to work on any of the Trust's Reserve Registers (bank work – e.g. Nurse, Admin and Clerical, Drivers) whilst on precautionary suspension.

7.3 If the member of staff works on any Trust Bank, the line manager must inform the Temporary Staffing Manager that they are not permitted to work on the bank until further notice.

8.0 Driving after Precautionary Suspension Meeting

8.1 The suspending manager must ensure that the member of staff is fit to drive home, particularly if it is suspected that s/he is under the influence of a substance which renders them unfit to be in charge of a vehicle.

8.2 In such circumstances the individual should be provided with an alternative means of transport e.g. taxi. If the individual resists these measures then they should be advised that the Police Authorities will be informed.

9.0 Advising Payroll of the Precautionary Suspension

- 9.1 The line manager will advise the Pay and Staff Services of the precautionary suspension, using the template provided.
- 9.2 Full pay is received whilst on suspension, based upon average earnings during the 3 month period immediately prior to the suspension date.
- 9.3 The line manager must also ensure that Pay and Staff Services are informed if the suspension is lifted, using the template provided.

10.0 Registration Authority Smart Card

- 10.1 If the individual has a Registration Authority Smart Card the Line Manager must inform the Registration Authority Agent, Margaret Johnson. The Line Manager must also complete the appropriate forms suspending the card which are on the Trust's Intranet.
- 10.2 The line manager must complete a Re-activation form when the individual be removed from precautionary suspension.

11.0 Confirmation of Address/Telephone Number

- 11.1 At the suspension meeting ensure that you check the individual's address and telephone number to ensure our records are up-to-date.

12.0 Complete checklist of Trust Property returned

- 12.1 At the close of the precautionary suspension meeting the suspending manager must ensure that the Property Checklist Form (attached) indicating the Trust property that has been returned e.g. ID Badge, Diary, Smart Card. The Suspending Manager must complete the checklist form and both the Suspending Manager and the individual must sign the form to confirm that the property has been returned.
- 12.2 A copy of the form must be returned to Human Resources Department – immediately with a copy of the form sent to the individual..

13.0 Leaving Trust Premises

- 13.1 The Suspending Manager must advise the individual that they are required to leave Trust premises immediately. If they have to collect personal belongings they **must be accompanied** whilst doing this by the Suspending Manager.

PRECAUTIONARY SUSPENSION

SCRIPT FOR SUSPENDING MANAGERS

You have been asked to attend this meeting because I have to advise you that you are precautionary suspended from duty with immediate effect. It has been decided that you are precautionary suspended in relation to the allegation(s) that you may have:-

Insert Allegations

Please note that this precautionary suspension is on full pay and it should not be regarded as a disciplinary measure in itself. The decision to suspend you has been made in order to allow a full investigation to be undertaken.

Under the terms of the suspension you must not enter any Trust premises unless as a service user, to visit a relative in the care of the Trust's services or seeking advice from an accredited trade union, in these circumstances employees should contact the Investigating Officer to advise that they will be attending.

You are advised to refrain from contacting any member of staff where this contact may be considered as influencing the investigation / disciplinary process. You will be able to contact your staff side representative for the duration of your precautionary suspension

An Investigating Officer will be allocated to undertake a full and thorough investigation into this matter and you will be advised of who this is in a letter confirming the outcome of this meeting. The investigation will be carried out as speedily as possible and will be carried out in accordance with the Trust's Disciplinary Policy and Procedure, a copy of which is here [give individual a copy of the Disciplinary Policy]. Your suspension will not usually last more than 32 days. In the event that the precautionary suspension needs to be extended beyond 32 days you will be contacted and advised of the situation and thereafter kept informed in respect of any further delay.

Whilst on precautionary suspension you will not be permitted to work for any other organisations during your substantive contracted hours of employment with the Trust. You are also not permitted to work on any of the Trust's Reserve Registers (bank work) whilst on precautionary suspension.

During the period of the precautionary suspension, you must remain available for any necessary fact-finding interviews(s) and for a hearing, if appropriate. You must keep the Trust informed of any change of address.

Annual leave cannot usually be taken during the suspension period without prior authorisation from your line manager who will liaise with the Investigating Officer to determine whether your request for annual leave will be granted. Have you already booked any annual leave? [If the answer is 'Yes' then advise that you will inform their line manager who will contact them to clarify if they still want to take their leave during their suspension period. The line manager will then have to seek authorisation from the Investigating Manager as to whether the leave can be taken.] If your annual leave is approved it will be deducted from your entitlement.

If you are medically unfit during your suspension you must report this to your line manager. You will be required to provide medical certificates to support your sickness and these should be forwarded to your line manager. In addition you may be referred to Occupational Health to determine whether you are sufficiently fit to proceed with the Disciplinary process.

Do you understand the terms of the precautionary suspension? Record any questions and responses, to be included in the outcome letter following the meeting.

You are able to contact the confidential Counselling service based in Occupational Health, Hollins Park House, for support. The telephone number for Occupational Health is 01925 664010.

I must advise you that your IT account will be frozen whilst you are on precautionary suspension. I must also now take from you any Trust property. I have a form which we have to complete confirming the items you have returned. You will be sent a copy of this form. [Suspending Manager – complete property checklist].

Do you have a smart card? [If they do have a Smart Card then form RA03 needs to be completed and sent to Margaret Johnson, Registration Authority Agent. Human Resources Department have a copy of the form]

You will receive confirmation of this meeting and your precautionary suspension within 72 hours.

Have you any questions about the process?

Please confirm your current address and telephone number to ensure that our records are up to date.

Do you need to collect any of your personal belongings?

Are you able to drive?

Advise individual that they are required to leave Trust premises immediately.

[If they have to collect personal belongings they must be accompanied whilst doing this by the suspending manager.]

Staff are not encouraged to comment on the allegations, in the event that they do, should they be advised that they will have the opportunity to address any issues as part of the investigation process. However, take a note of any comment and record in the outcome letter.

Close Meeting

Appendix III

Precautionary Suspension

Property Returned at Precautionary Suspension Meeting

Indicate below Trust Property returned. If additional property returned, which is not included on this list then ensure details of property are recorded under 'Other Trust Property'.

Name: Job Title:

I.D Badge	
Trust Swipe Card (if applicable)	
Trust Keys (provide details:.....)	
Trust Diary (if applicable). If they do not have Trust diary at meeting, make arrangements for their diary to be returned asap.	
Trust Mobile (if applicable). If make payment for personal use of Trust mobile Pay and Staff Services advised to cease payment until further notice.	
Registration Authority Smart Card (if applicable)	
Trust documentation (e.g. case notes)	
Other Trust Property (provide details:	

To be completed by Member of Staff

I confirm that I have handed in the Trust property identified above.

Name: Job Title:

Signature: Date:

To be completed by Manager

I confirm that the above member of staff has returned the Trust property identified above.

Name: Job Title:

Signature: Date:

Form to be returned immediately to the Human Resources Department, Hollins Park House, Hollins Lane, Winwick, Warrington, WA2 8WA. A copy of this form will be sent to member of staff.

Date

STRICTLY PRIVATE & CONFIDENTIAL

Dear

Re: Confirmation of Suspension

Following our meeting on the **DATE OF SUSPENSION** in the presence of **NAME**, Human Resources Manager, and at which you were accompanied by trade union representative, **NAME**. OR I note that you have declined representation at our meeting by a trade union representative or work colleague.

I write to confirm that you have been placed on precautionary suspension from duty immediately from the aforementioned date.

The decision to place you on precautionary suspension is in regard to the allegation(s) that you may have:

- **INSERT ALLEGATION(S)**

Please note that this precautionary suspension is on full pay (based upon average earnings during the 3 month period immediately prior to the above date), including, where applicable, average unsocial hours etc. payments.

Precautionary suspension should not be regarded as a disciplinary measure. The decision to precautionary suspend you has been made in order to allow a full investigation to be undertaken.

Under the terms of the suspension you must not enter any Trust premises unless as a service user, to visit a relative in the care of the Trust's services or seeking advice from an accredited trade union, in these circumstances employees should contact the Investigating Officer to advise that they will be attending.

You are advised to refrain from contacting any member of staff where this contact may be considered as influencing the investigation / disciplinary process. You will be able to contact your staff side representative for the duration of your precautionary suspension

During the period of the precautionary suspension, you must remain available for any necessary fact-finding interviews(s) and for a hearing or an immediate return to work, if appropriate.

Annual leave cannot usually be taken during the suspension period without prior authorisation from your line manager who will liaise with the Investigating Officer to determine whether your request for annual leave will be granted.

If you are medically unfit during your suspension you must report this to your line manager. You will be required to provide medical certificates to support your sickness and these should be forwarded to your line manager. In addition you may be referred to Occupational Health to determine whether you are sufficiently fit to proceed with the Disciplinary process.

Whilst on precautionary suspension you will not be permitted to work for any other organisations during your substantive contracted hours of employment with the Trust. You are also not permitted to work on any of the Trust's Reserve Registers (bank work) whilst on precautionary suspension.

You must keep the Investigating Officer informed of any change of address.

I can confirm the Investigating Officer is NAME, TITLE and s/he will contact you separately confirming the details of the fact-finding meeting.

An investigation will be carried out as speedily as possible and will be carried out in accordance with the Trust's Disciplinary Policy and Procedure, a copy of which is enclosed. OR An investigation will be carried out as speedily as possible and will be carried out in accordance with the Trust's Disciplinary Policy and Procedure, a copy of which was given to you during our meeting.

I retrieved from you.....insert items.... I also advised that your Trust IT account would be frozen for the duration for your precautionary suspension.

In the event that the precautionary suspension needs to be extended beyond 32 calendar days you will be contacted and advised of the situation and thereafter kept informed in respect of any further delay.

You confirmed that you understood the terms of the precautionary suspension. OR I asked if you understood the terms of the precautionary suspension and you asked insert question and response, once these were clarified you understood the precautionary suspension.

Staff are not encouraged to comment on the allegations, in the event that they do, should they be advised that they will have the opportunity to address any issues as part of the investigation process. However, take a note of any comment and record in the outcome letter.

In conclusion, I feel it would be helpful to advise you of the Confidential Counselling Service provided via the Occupational Health, Hollins Park House. If you wish to access the services of an independent counsellor please contact 01925 664010 to make an appointment.

Yours sincerely

Name

Title

Enc: Disciplinary Policy and Procedure [if not already given copy at meeting]

Copy of Checklist Form of Trust Property

Appendix V

5 Boroughs Partnership

NHS Foundation Trust

When telephoning please ask
for:

Hollins Park
Hollins Lane
Winwick, Warrington
WA2 8WA
Tel: 01925 664000
Fax: 01925 664048

Direct Telephone Line:

Email:

DATE

PRIVATE & CONFIDENTIAL

Name

Home Address

Dear **Name**

I am writing to inform you that it will be necessary to extend your precautionary suspension beyond 21 days.

The reason for the delay is as follows: **(delete/add details as necessary to the case):**

I will be aiming to complete the investigation report by **DATE** and therefore your suspension from duty has been extended until **DATE**.

In the meantime, I will continue to keep you informed of the progress of the investigation.

Yours sincerely

Name

Title

Cc: Insert Name of Trade Union Rep/Work Colleague (if applicable)

Our Ref:	Hollins Park
When telephoning please ask for:	Hollins Lane Winwick, Warrington WA2 8WA
Direct Telephone Line:	Tel: 01925 664000
Email Address:	Fax: 01925 664048

Memorandum

To: **Insert Name**, Pay and Staff Services

From: **Insert Name**, Title

Date: **Insert Date**

Subject: **Insert member of staff's name and Assignment Number**

Dear **Name**

The above member of staff was placed on precautionary suspension on **Date**.

During this period **s/he** should receive full pay (based upon average earnings during the 3 month period immediately prior to the above date), including, where applicable, average unsocial hours etc. payments.

(The above member of staff has a monthly deduction directly from their salary for personal calls from their Trust mobile phone. Please ensure that with effect from the above date that these deductions are ceased until further notice.)

(The above member of staff has a monthly deduction directly from their salary for car parking fees. Please ensure that with effect from the above date that these deductions are ceased until further notice.)

I will advise when the above has been removed from precautionary suspension.

Thank you for your assistance.

Yours sincerely

Name

Title

Our Ref:

Hollins Park
Hollins Lane
Winwick, Warrington
WA2 8WA

When telephoning please ask
for:

Direct Telephone Line:

Tel: 01925 664000

Email Address:

Fax: 01925 664048

Memorandum

To: **Insert Name**, Pay and Staff Services

From: **Insert Name**, Title

Date: **Insert Date**

Subject: **Insert member of staff's name and personal number**

Dear **Name**

I write further to my memo of **Date**, in which I advised you that the above member of staff was placed on precautionary suspension on **Date**.

I now write to advise you that their precautionary suspension ceased with effect from **Date**.

Thank you for your assistance.

Yours sincerely

Name

Title

Appendix VII

PRIVATE AND CONFIDENTIAL

INVESTIGATION TERMS OF REFERENCE

BACKGROUND TO THE INVESTIGATION

This investigation has been commissioned in response to **(details of how the allegation/complaint came to light)** regarding **(Name/Grade)**.

Name [of person under investigation] was suspended from duty on **Date**. (if applicable)

The appointed Investigating Manager is **(Name/Grade)**. The investigation will be conducted in accordance with the Trust's Disciplinary Policy and Procedure/ Grievance Policy/Respect at Work policy. The Investigating Manager will undertake all administrative work connected to the investigation.

TERMS OF REFERENCE

An investigation into the above will commence on **(Date)** when **(name of person under investigation)** will be interviewed in relation to the **[insert allegations]**.

Arrangements will be made for the following staff to be interviewed:

(List staff to be interviewed)

It is anticipated that these interviews will be completed by **(date)**.

Arrangements will be made to reference the following information/documentation:

(List information/documentation to be referenced)

Whilst the above identifies an initial list of staff to be interviewed and information/documentation to be referenced the Investigating Manager may wish to interview others or access further information/documentation in the light of information gathered during the course of the investigation that could have a bearing on the allegation(s).

To effect a timely resolution the aim will be that a full investigation report is completed by **(date)** at the latest. At this stage a decision will be made about whether or not to progress to a disciplinary hearing.

Appendix VIII

5 Boroughs Partnership 

NHS Foundation Trust

Our Ref: enter reference number here

Your Ref: enter reference number here

Hollins Park House

Hollins Lane

Winwick

Warrington

WA2 8WA

**Name [of
Investigating
Manager]
Title/Investigatin
g Manager
Date**

Tel: enter your number here

Fax: 01925 664048

Email: type your full email here

Date: enter date here

PRIVATE AND CONFIDENTIAL

Recipient's name

Recipient's address

Recipient's address

Recipient's address

Recipient's address

Dear Recipient's name

I am currently investigating an allegation that has been made against a member of staff.

You may be able to assist in the fact-finding investigation and I would therefore like to meet with you to ask you some questions in relation to this.

Accordingly, I should be grateful if you could attend a meeting with me at **Time, Date**, in the **Location**.

You may be accompanied at the meeting by a trade union representative or work colleague. If you wish to be accompanied at the meeting you should make the necessary arrangements with the person concerned, it is advisable that you make contact with this person as soon as possible.

I must make you aware that all issues relating to this investigation, including any correspondence, fact-finding interview(s) and subsequent notes and taped recordings issued to you must remain confidential. You will not be permitted to discuss anything in relation to this case with any other member of staff, with the exception of your representative and the investigation team.

Please contact me to confirm your attendance at the meeting on **Number**.

Yours sincerely

Name

Job Title/

Investigating Manager

Appendix IX

When telephoning please ask
for:

Direct Telephone Line:

Email Address:

Hollins Park
Hollins Lane
Winwick, Warrington
WA2 8WA
Tel: 01925 664000
Fax: 01925 664048

Date

PRIVATE AND CONFIDENTIAL

Name

Address

Dear **NAME**

I write to advise you that I have been assigned as the Investigating Manager, in accordance with the Trust's Disciplinary Policy and Procedure, to investigate the allegation(s) that you:

INSERT ALLEGATION(S)

It will be necessary for me to interview you with regard to these allegations and I have therefore made arrangements to meet you on **DATE** at **TIME** in **LOCATION**.

I have enclosed the Terms of Reference for the investigation which provides you with information on how I intend to conduct the investigation e.g. witnesses who will be interviewed, documentation to be referenced and the date by which I am aiming to complete the investigation report. If you have any queries or comments with regard to the Terms of Reference or would like me to interview staff or reference documentation not already included on the Terms of Reference then please contact me by **DATE** to advise of the details, including the reason that it is relevant to the investigation.

You may be accompanied at our meeting by a trade union representative or work colleague who is not involved in the investigation. If you wish to be accompanied at the meeting you should make the necessary arrangements with the person concerned. It is advisable that you make contact with this person as soon as possible.

I must make you aware that all issues relating to this investigation, including any correspondence, fact-finding interview(s) and subsequent notes issued to you must remain confidential. You will not be permitted to discuss anything in relation to this case with any other member of staff where this contact may be considered as influencing the investigation/disciplinary process. Failure to comply with this requirement may result in disciplinary action.

I have enclosed a copy of the Disciplinary Policy and Procedure for your information. **[only include this if one not be given/sent to individual previously]**

I feel it would be helpful to advise you of the Confidential Counselling Service provided via the Occupational Health, Hollins Park House. If you wish to access the services of an independent counsellor please contact 01925 664010 to make an appointment.

I would be grateful if you would confirm your attendance at the meeting with **NAME**, on **NUMBER** by **DATE**.

Yours sincerely

Name

Title

Enc: Trust Disciplinary Policy and Procedure **[optional depending if already been sent]**

Terms of Reference

Appendix X

STRICTLY PRIVATE AND CONFIDENTIAL Investigation Interview Template

Fact Finding Interview
Insert Name
Insert Date
Present (record all persons present including representative)
Can I confirm that you have previously been advised that you can be accompanied at this meeting and that you happy to proceed without representation? (If applicable)
Response:
Can I confirm that prior to this meeting being tape recorded that I gave you the option of whether you preferred the meeting to be recorded on tape or if you preferred hand written notes to be taken and you agreed to the meeting being tape recorded/the production of hand-written notes only?
Response:
[For Witness Only] This interview is being conducted in accordance with the Trust Disciplinary Policy. The reason for the interview is that we are investigating an alleged incident(s) that occurred on (INSERT DATE), which I understand you may be able to provide information regarding.
[For Alleged Only] This interview is being conducted in accordance with the Trust Disciplinary Policy. The reason for the interview is that we are investigating an allegation that on (DATE) you may have (INSERT ALLEGATIONS).
If at any time during the interview you wish to take a break or stop the interview for any reason please tell me and I will stop the tape.
This is purely a fact-finding investigation and until it's complete we cannot determine whether it will warrant a disciplinary hearing.
[For Witness Only] If this investigation does result in a disciplinary hearing being convened, any evidence or statements that you give will be made available to the employee concerned and will be included as part of the management report . If it is decided to progress to a hearing there is a chance you will be called as a witness.
I must make you aware that all issues relating to this investigation, including any correspondence, fact-finding interview(s) and subsequent notes and taped recordings issued to you must remain confidential. You will not be permitted to discuss anything in relation to this case with any other member of staff, with the exception of your representative and the investigation team.
[For Witness Only] At the end of the interview you receive a copy of the notes of the interview which you will be asked to sign (subject to the amendment of any factual inaccuracies) and return to me as soon as possible.
[For Alleged Only] At the end of the interview you will receive a copy of the notes of the interview which you will be asked to sign (subject to the amendment of any factual inaccuracies) and return to me as soon as possible.
[For Alleged Only] I will go through with you and agree the Terms of Reference for this investigation

and then to move to a fact-finding interview with regard to the allegation(s) already stated.

I am now going to begin asking my questions in relation to the alleged incident.

Q1

Response:

Q2

Response:

Q3

Response:

Q4

Response:

Q5

Response:

Q6

Response:

Q7

Response:

Q8	
Response:	
Q9	
Response:	
Q10	
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Q11	
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Q12	
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Q13	
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Q21	
Response:	
Q22	
Response:	

Q23	
Response:	
Q24	
Response:	
Q25	
Response:	
Q26	
Response:	
<p>Two copies of the notes of this interview will then be sent to you for your signature and for you to return one copy to me. A date will be included in a letter to accompany the notes by which you will be required to return the notes. If you do not return the notes by this date it will be determined that you are in agreement and the unsigned notes will be submitted as part of the management case.</p> <p>This interview is being concluded at [time] on [date], I am now switching off the tape recorder.</p>	

I agree that the above notes are an accurate reflection of the investigatory meeting that took place on (DATE)

Signed: _____ Date: _____

Insert Name and Title of Person being interviewed

Signed: _____ Date: _____

Insert Name and Title of Investigating Officer

Appendix XVI

Our Ref:

Your Ref:

Hollins Park House

Hollins Lane

Winwick

Warrington

WA2 8WA

Tel: enter your number here

Fax: enter you fax number here

Email: type your full email here

Date:

**STRICTLY PRIVATE AND
CONFIDENTIAL**

Recipient's name

Recipient's address

Recipient's address

Recipient's address

Recipient's address

Dear (Recipient's name)

Thank you for attending the investigatory interview on **DATE** . I have enclosed two copies of the notes from our discussions during the interview.

I should be grateful if you could read, and then if you are in agreement that they are a accurate reflection of the meeting please sign the notes. If you are not in agreement please telephone me as soon as possible.

Please return one copy to me at (ADDRESS) and retain the second copy for your own reference.

I would be grateful if you could return your notes by **DATE**. I must advise you that if the notes are not received by this date it will be assumed that you are in agreement with their content and they will be included in my report.

Thank you in anticipation and for you assistance in this process.

Yours sincerely

Your name

Your Job Title/Investigating Manager

Appendix XIII

Private and Confidential

Investigation Report

Re:

Completed by:

Insert Name(s) - Investigating Manager(s)

Signed:

Date

CONTENTS

Page Nos.

Introduction

Terms of Reference

Investigation Process (Methodology)

Findings

Issues of Concern in the Evidence

Analysis/Conclusions

Recommendations

Index of Appendices

1. Introduction

To include:

- How the allegations came to Management's attention e.g. if it was a complaint from a member of staff/service user/carer/IR1 Form.
- The specific issues that need to be addressed
- If precautionary suspension – date of suspension.
- If removed from duties – what duties.
- Insert Allegation(s)

2. Terms of Reference

To include:

- Terms of Reference in the pack as an appendix.
- Confirm Terms of Reference were agreed with individual and representative – confirm date of agreement.
- Comment that a timeline was maintained throughout the investigation – ensure it is in the pack as an Appendix.

3. Investigation Process (Methodology)

To include:

- Information accessed as part of the investigation process (e.g. patient files/records/information from Otter/personal file/supervision notes/staff rotas/team meetings etc.
- Relevant policies and procedures
- List all staff and their job titles and date that they were interviewed in the process.
- Reference evidence collected to be included in the Appendices. You must ensure that, if including patient notes etc in report then before the report is issued that you **remove all identity of the patient e.g. name (may leave initials only), address, male or female, GP name/address, date of birth.**

4. Findings

To include:

- The facts of the case (i.e. what is known to have happened). Use headings to group pieces of information relevant to the report
- Relevant policies, procedures and protocols

5. Analysis/Conclusions

To include:

- Logical connections between the facts. Only information that has already been referred to in the report – this is an overview of the most important facts established in the investigation.
- Judgements around causes and what should have happened
- Relate conclusions back to the terms of reference

6. Recommendations

To include:

- If it is recommended that the case should go to a Disciplinary Hearing/Counselling/no further action for the individual.
- If there are any systems/policy development/procedural recommendations that are required as a result of the investigation. These will also need to be included in the report.

Appendix XIV

5 Boroughs Partnership NHS Trust

Private and Confidential

Issues Arising from Disciplinary Investigation

This form is to be completed by the Investigating Manager at the conclusion of an investigation.

Name of person being investigated:

Nature of Disciplinary Investigation:

Investigating Manager:

During the course of my investigation, issues as detailed on the attached sheet were identified for the Trust to consider implementing as a means of minimising the risk of similar incidents occurring in the future. (please complete attached form)

1. I confirm that my recommendation is that this investigation should not proceed to a disciplinary hearing. (Please give reasons for the recommendation not to proceed).
2. I confirm that my recommendation is that this investigation should proceed to a hearing

[Please indicate as appropriate]

Signed: (Investigating Manager)

Date:

Signed: (Assistant Director)

Date:

Investigation/Hearing Recommendations

Issue	Recommendation	Lead Responsibility	Date to be Actioned by

When telephoning please ask for:	Human Resources Hollins Park House Hollins Park Winwick, Warrington WA2 8WA
Direct Telephone Line:	Tel: 01925 664000
Email Address:	Fax: 01925 664048

Date

PRIVATE AND CONFIDENTIAL

Name

Address

Dear **Name**

RE: Disciplinary Hearing – NAME MEMBER OF STAFF

I have been advised by **MEMBER OF STAFF**, that you will be representing him/her at the Disciplinary Hearing scheduled for **DATE** at **TIME** in **LOCATION**.

I have enclosed a copy of the Investigation Report for your information and the correspondence sent to **MEMBER OF STAFF** in relation to this matter.

If you have any queries regarding this matter, please do not hesitate to contact myself.

Yours sincerely

Name

Title

cc: **MEMBER OF STAFF**

Appendix XVI

Management Statement of Case

Insert Title of Investigation

Introduction

I am presenting the findings of my investigation with regard to **Name, Title**, based in **Location**. Name has been employed by the Trust for Number years. [May want to insert their brief career history with the Trust, if this is material to the case]

I will be presenting evidence today which supports the allegation that Name, may have:

INSERT ALLEGATION(S)

For your information I will not be calling any witnesses today.

Or

For your information I will be calling Number of witnesses today. My witnesses are:-

[List names and Job Titles of witnesses]

Investigation Process – *In this section you are aiming to demonstrate that the investigation is thorough and transparent – ensure that you include all aspects that you investigated. Examples below:-*

My investigation process included interviewing: [List Names and Job Titles of all everyone interviewed]. All of the above interviews took place on [Insert date, or between date and date].

The notes of all of the fact-findings are included in your packs.

Furthermore, there are additional statements from [Insert list of names of those that supplied further statements].

In continuing to outline the investigation process undertaken you could use phrases like:

I also referenced all correspondence sent to [Insert Name] between the date and date and will be referring to these in more detail in a while.

I accessed, and have included in your packs, policies, patient records, information from otter, training reports, OH reports etc

I referred to the personal file, attendance card etc

Background to the case

I would now like to give you some background information to this case which is based on the information gathered during the fact-finding process and through which I aim to demonstrate that:

Insert Allegations again – if there is more than one allegation it would be useful to break the allegation down into sections so you could say ‘I aim to demonstrate that:

1. Insert first part of allegation

And

2. Insert second part of allegation and so on ...’

Then move onto the case e.g. how it came to management’s attention/what action was taken by management. It is useful to put reminder notes in the case so that the Manager presenting remembers to take pauses/give time for the panel to find and read the section you are referring to e.g. ‘Pause as you then go into the background of the case....’

When referencing information in an appendix – always make a note of the appendix you are referring to in the case and tell the panel the appendix number. It is useful for the manager to highlight in their pack the specific section they are referring to for their ease e.g. a sentence in a fact-finding interview. It is also useful to italic or bold words to remind the presenting manager to emphasis a particular point.

Demonstrate how the information that has been collected supports the allegations

Reference the information collected during the investigation and information in the disciplinary packs [if should be noted that you can only reference information that has been included in the pack; unless the Hearing Officer agrees to late information being submitted]

Prepare this section logically, you can draw out quotes from the fact-finding interviews to demonstrate points. You should also draw the attention of the Hearing Panel’s to relevant information in the packs e.g. an OH report. When advising of information in the packs ensure that the panel are advised of what Appendix the information is in and make a note in your case to pause to allow the panel and the individual/rep to find and read the information you are referencing.

Witnesses – as you are making your way through your case call your witnesses to demonstrate points – this will carry more weight than referring to their statement. You can call a witness by including in your case:

‘I would now like to call my first witness (Insert Name.)

Have your questions already prepared prior to the hearing and share these with your witnesses prior to the hearing. The questions should demonstrate the point that you are making.

Conclusions

In conclusion, this should not include anything new; but is an opportunity to summarise the key facts of the case and the impact the allegations have had on the service/patients/NMC/Trust etc – this section should be clear and succinct.

You could use phrase at the end like:

‘Finally, I believe that I have presented the facts of the case that (Insert the allegations).’

When finished the conclusion state ‘This concludes the case that I have presented today’ so all present know you have finished.

Summing Up

This should not include any information that you have not already referenced in your case already. It is an opportunity to remind the panel of the robust investigation undertaken, the impact on individuals, the impact on the service etc... Summing up will be read out following the presentation of the member of staff’s statement of case prior to the panel adjourning to consider their decision.

Appendix XVII

Our Ref: enter reference number here

Your Ref: enter reference number here

Date: enter date here

Recipient's name

Recipient's address

Recipient's address

Recipient's address

Recipient's address

Hollins Park House

Hollins Lane

Winwick

Warrington

WA2 8WA

Tel: enter your number here

Fax: 01925 664048

Email: type your full email here

Dear Recipient's name

Further to the fact-finding meeting which you attended on **insert date** and the completion of my investigation into a number of issues which occurred on the **insert date**, the matter has been referred to a disciplinary hearing under the Disciplinary Policy and Procedure.

As you provided information at the fact-finding meeting which has contributed to the investigation, it will be necessary for you to attend the hearing as a witness. The primary purpose for your attendance is to confirm the details in your fact-finding notes but it is also to afford the member of staff and/or her representative the opportunity to ask any necessary questions around your statement in support of their case.

The hearing has been scheduled to take place on **insert date** and you are required to make yourself available for the hearing from **time** onwards. The hearing will take place at Hollins Park House, Hollins Park. I am unable to indicate how long you will be required to attend as this will be dependant upon the length of the case and any subsequent questions.

I will arrange to meet with you nearer the time to provide you with more details as to the hearing process and to re-visit your notes of the fact-finding hearing. Please make the necessary arrangements with your manager to either roster you on duty for the above date to attend the hearing as a witness or to agree the necessary time off in lieu if you are not rostered to work on the day of the hearing.

If you have any problems in being available to attend the hearing, please advise me on the above telephone number upon receipt of this letter.

Yours sincerely

Your name

Your Job Title/Investigating Manager