

Workplace Investigations: A Guide for Employers and Employees

Thorough, Transparent, Respectful, Rigorous and Effective

TCM
GROUP
resolution redefined

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About our Investigation Services

To complement our extensive range of employment mediation and dispute resolution services, The TCM Group carries out **independent workplace investigations**. Responding to a specific allegation or set of allegations, areas covered include: bullying, harassment, misconduct, discrimination, performance, grievances, whistleblowing, theft, fraud, bribery and complaints from customers, clients or services users.

We also provide a proactive **neutral evaluation** service where no specific allegations are made but the organisation wishes to have an independent examination or fact-finding carried out. In addition to our popular public courses, we also train in-house investigators - please contact TCM or visit our website if you require further details of this.

Our investigation service provides an impartial, structured and safe process with a clearly written report to the organisation with conclusions on whether or not there is a case to answer. TCM workplace investigators use a variety of skills, strategies and techniques during the course of their investigation to ensure that the investigation is:

Thorough • Transparent • Respectful • Rigorous • Effective

Our investigation services include:

- Detailed preparation and planning including establishing terms of reference
- Creation and control of a safe environment for investigation interviews
- Active listening techniques, questioning techniques, funnelling and summarising
- The ability to remain neutral and impartial - not to make inappropriate judgments
- The ability to analyse and assess often complex information involving a variety of sources and to focus on finding the facts
- Overcoming any blocks and barriers to the investigation
- Ensuring that the formality of the process is understood by interviewees
- Drafting concise and accurate notes and securing signed agreement
- Writing a thorough and rigorous report.

We also deliver investigation skills training - see page 6 for more information



An effective investigation typically involves the following three stages:

1. Preparation and scoping
 2. Delivery
 3. Reporting back
- Workplace investigations are often very involved, complex and stressful for the parties. To undertake a full and proper investigation, it is necessary for a realistic amount of time to be budgeted. We will work with you at the outset to clarify just how long will be required based on the specific nature of the issues that you wish to have investigated and then a set fee will be agreed to cover the entire investigation.
 - ***Where an organisation's policy and process differs from TCM's process we will discuss and agree how best to adapt our approach to suit what is required.***



The Key Stages of the TCM Workplace Investigation

Stage 1 – Preparation and scoping

- We provide initial information about the process.
- We receive formal referral/instruction from the client and background information.
- We work with the client to prepare a detailed chronology of events and all actions taken to date.
- We read all paper work (including relevant policies and procedures) and maintain contact with the sponsor of the process.
- We agree the terms of reference and the scope of the investigation.
- We ask the organisation to ensure that the respondent is aware of the allegations prior to interview.
- We may undertake a site visit to meet key stakeholders (HR, Unions, Occupational Health etc.), especially for complex cases.
- We confirm the role of trade unions, if any.
- We prepare a list of question areas for interviewees.
- We ask the client to arrange logistical necessities, including:
 - Booking rooms for investigation interviews
 - Contacting parties and witnesses to arrange interviews

Stage 2 – Delivery

- We interview the key parties - each interview typically lasts for one to two hours, but can be longer depending on the circumstances
- In grievance investigations or cases of bullying or harassment, we interview in the following order:
 - Complainant
 - Respondent
 - Key witnesses
 - Complainant (if necessary)
 - Respondent (if necessary)
- We may wish to interview relevant HR or other stakeholders to gain a fuller picture.
- We may obtain legal or other advice e.g. ACAS.
- We may ask parties to submit written documentation to us in a timely manner, e.g. emails and letters that are relevant to the case.
- We may request further information or evidence as required.
- Once all the evidence is available we will analyse every aspect of this under each of the allegations.
- Conclusions will be reached as to whether or not there is a case to answer.

Stage 3 – Reporting back

We prepare a final report comprising:

- Introduction and terms of reference

Post Investigation

Finally, if requested by the client, we will present the report to the commissioning group and answer questions about the process used and conclusions reached. The report becomes the property of the client who will then decide on what further steps are required.

- Name and details of the Investigating Officer.
- Details of issues investigated and copy of any formal complaint.
- List of people interviewed.
- Detailed analysis of each complaint, response, witness statements and other evidence.
- Any specialist advice taken.
- Mitigating circumstances for consideration.
- A conclusion as to whether or not there appears to be a case to answer.
- Recommendations for further consideration.
- Full appendices including statements and other evidence.



Investigation Skills Training from The TCM Group

Practical Investigation Skills™ at a glance

Duration: 2 days

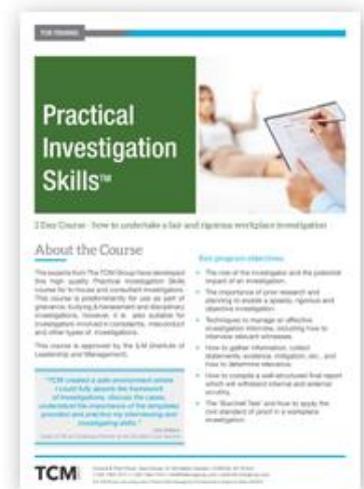
Suitable for: Internal and External Investigators, Managers, Supervisors and Team Leaders, HR and ER Professionals, Business Leaders, Consultants, Solicitors, Barristers, Trade Union Officials, Qualities Advisers and Harassment Contact Officers

Learning outcomes: Learn how to investigate effectively

Delivery: In-house

Trainers: Only ever delivered by full time TCM trainers

Cost: £395 plus per delegate assuming 12 delegates per course



How to undertake a fair and rigorous workplace investigation

Organisations are now spending more time, money and energy responding to grievances, allegations of bullying, harassment, inappropriate behaviour, misconduct and/or discrimination.

Recent legislation coupled with ACAS guidelines on discipline and grievance means that all organisations are required to have a structured approach to employment relations and workplace issues. Central to this is access to skilled workplace investigators who can undertake an effective investigation, thereby enabling the employer to reach a fair, objective and reasonable outcome.

The experts from The TCM Group offer the Practical Investigation Skills course for in-house and consultant investigators. This course is predominantly for use as part of grievance, bullying and harassment and/or disciplinary investigations. However, it is also suitable for investigators involved in complaints, misconduct and other types of investigations. This course is approved by the ILM (Institute of Leadership and Management)

By the end of this course participants will be able to:

- Understand how to set up and manage a workplace investigation.
- Possess the key skills to undertake a thorough investigation.
- Understand how to prepare a final report that will withstand internal and external scrutiny.

Key programme objectives:

- How to clarify the context of the investigation and set clear terms of reference.
- The legislative and statutory framework of workplace investigations.
- The role of the investigator and the potential impact of an investigation.
- The importance of prior research and planning to enable a speedy, rigorous and objective investigation.
- The impact of probity, bias and prejudice.
- How to manage the investigation process.
- Key investigation skills: active listening, interviewing, funnelling, summarising and note-taking.
- Techniques to manage an effective investigation interview, including how to interview relevant witnesses.
- How to gather information, collect statements, evidence, mitigation, etc., and how to determine relevance.
- How to compile a well-structured final report which will withstand internal and external scrutiny.
- Understanding relevant tests that may be applied during an Employment Tribunal e.g. the 'Burchell Test' and how to apply the civil standard of proof in a workplace investigation.

TCM Quality Standards for Workplace Investigators

TCM has developed a set of standards for workplace investigators. These standards form the basis of all of our professional investigation services and investigation training courses. These national quality standards ensure that workplace investigators undertake an effective investigation which is fair, thorough and robust.

Workplace investigators should:

1. Prepare adequately and clarify the context of the investigation.
2. Develop clear terms of reference at the commencement of each investigation - these should form the basis for all interviews and the final report.
3. Understand the legislative/statutory, and organisational policy/procedural, frameworks of grievance, bullying, harassment and disciplinary investigations.
4. Be clear about their own role and be aware of the potential impact of an investigation - they should remain impartial, free from bias or conflict of interest.
5. Be able to manage the investigation process from start to finish, including researching and planning in advance of interviews.
6. Hear both sides of any allegation.
7. Use key investigation skills including active listening, interviewing, funnelling, summarising, impartiality, seeking evidence, note-taking and report writing.
8. Be rigorous in their analysis of information and careful in reaching conclusions supported by the facts and relevant evidence.
9. Know how to compile a clear, well-structured final report which will withstand internal and external scrutiny.
10. Be aware of relevant tests (e.g. "Burchell") and remain up to date with case precedents and how to apply the civil standard of proof in a workplace investigation – balance of probability.
11. Pay attention to any mitigating factors.
12. Understand what happens after an investigation is complete and the role of the investigator at determination hearings, appeals and Employment Tribunals.

Testimonials

"I would also like to mention that I have had lots of superb feedback about your investigation - most people that were interviewed were very impressed by the investigator's professionalism and the quick turnaround of their statements. My boss - the interim HR Director - said to me yesterday, "I do not know where you found TCM but they are good." I was also at an external meeting on Tuesday where I met an ex-HR Director that commended TCM highly on your investigation work. Apparently TCM conducted a very complex racism investigation for her - she said you were superb, that it was money well spent and that she would spend the money and use your company again if she were to face the same situation."

Corporate People Manager, The Children's Society

"TCM provided an excellent and highly professional external investigation service for us. The team was always available when we needed anything, and the investigator was incredibly efficient, thorough and personable. All in all – it was perfect!"

Investigator, Aitch Group

The TCM Group offers excellent support and opportunities for its mediators. That is why we are one of the UK's leading workplace investigation and mediation providers.

How to find out more

Call: 020 7404 7011

Email: info@thetcmgroup.com

Visit: www.thetcmgroup.com

