



Phoenix Community Care Ltd Foster Care Agency Policy & Procedure

0205 -Conducting an Investigation

Version	Written	Updated/ Reviewed	Scheduled Review Date	Author/ Reviewer	Approving Body	Date Approved
1	2008	2008	2009	Anne Spriggs	Board of Directors	
2		2010	2013	Angela Kelly	Board of Directors	
3		Oct 2013	Oct 2014	J A Coates	PCC Directors	5.2.14
		Jan '15	Jan '16	J A Coates	PCC Directors	Feb '16
		Jan '16	Jan '19	J A Coates	PCC Directors	Feb '16

CONTENTS

- 1. Statement of principles**
- 2. Scope**
- 3. Purpose**
- 4. Introduction**
- 5. Where an Initial Complaint / Allegation is made**
- 6. Suspension**
- 7. Commissioning an Investigation**
- 8. The commissioning Officer**
- 9. The Investigating Officer**
- 10. Brief for the Investigating Officer**
- 11. Nature of the Allegation or Complaint**
- 12. Policies and procedures that apply**
- 13. Date received and by whom**
- 14. Background information and documentation and action to be taken**
- 15. People to be interviewed**
- 16. Areas to be investigated**
- 17. Timescales**
- 18. Support for the Investigating Officer and resources to be allocated**
- 19. Administrative support**
- 20. Involvement of the Board of Directors**
- 21. Agreed reporting arrangements**
- 22. Dialogue with the Commissioning Officer**

- 23. Potential criminal proceedings**
- 24. Additional allegations arising**
- 25. Arrangements for interviews**
- 26. The Interview process**
- 27. Specialist skills**
- 28. The Interview**
- 29. Confidentiality**
- 30. Rights of the person under investigation**
- 31. Judging credibility**
- 32. Where a suspended employee refuses to co-operate**
- 33. Statements**
- 34. The Investigation report**
- 35. Sending the report to the Commissioning Officer**
- 36. Follow up Investigations**

Appendix 1 Brief for the investigating officer

Appendix 2 Letter to the commissioning Officer

Appendix 3 Letter to the Commissioning Officer - B

Appendix 4 Letter to the Service manager

Appendix 5 Letter to an individual staff member

Appendix 6 Letter to a service user

Appendix 7 Timetable of interviews

Appendix 8 Document list

Appendix 9 File note

Appendix 10 Introduction when interviewing

Appendix 11 statement form

Appendix 12 Letter sending statements

Appendix 13 Letter where a statement is returned substantial changes

Appendix 14 Letter when a statement is not returned

Appendix 15 Format of report by the investigating officer

Appendix 16 Letter sent to the Commissioning Officer

Conducting an Investigation

1. Statement of principles

- PCC is committed to the delivery of quality services. As part of this process, PCC aims to listen and be responsive to what service users, volunteers and employees have to say; whether complaining, making allegations or simply commenting on the service.
- PCC acknowledge that instances of poor practice can and do occur and will take action where concerns are raised to rectify this.
- All employees, service users and volunteers have a right to be treated fairly, reasonably and with respect, in accordance with PCC standards, policies and procedures. The subject of a formal investigation must be informed in nature of the allegations, be given a copy of the relevant policies and procedures and should be made aware of their right to be accompanied or represented at each stage of the procedure. Both the person raising the concerns and the subject of these concerns will have an opportunity to be interviewed to give their account of events. Both will be informed of the outcome of the investigation.
- The object of the investigation is to establish the facts and reach a satisfactory resolution. The overriding aim of these instructions is to ensure that, as far as is possible, where concerns are raised these are investigated promptly and thoroughly and that matters are resolved as speedily as possible.

2. Scope

All foster carers, PCC Foster Agency staff and volunteers must understand what they must do if they receive an allegation or have suspicions that a person may have:

- Behaved in a way that has, or may have, harmed a child;
- Possibly committed a criminal offence against or related to a child; or
- Behaved towards a child in a way that indicates he or she is unsuitable to work with children.

3. Purpose

The purpose of this policy and procedure is to provide investigation guidelines in order to ensure a fair, thorough and consistent approach to dealing with allegations and complaints when formal investigations are being carried out.

4. Introduction

PCC Foster Care Agency is committed to fulfilling its duties and responsibilities in regard to handling allegations and suspicions of harm. These are outlined in the:

- Foster Service Regulations 2011 (Section 11, 12, 17, 30, 36)
- Foster Services: National Minimum Standards 2011 (Standard 22)

These guidelines should be read in conjunction with the appropriate policies and procedures i.e. complaints, whistle blowing, disciplinary, grievance, harassment and bullying, protection of the vulnerable adult against abuse, dependent on the origin of the allegations and the issues involved.

5. Where an Initial complaint / allegation is made

Where a complaint or allegation is made it should be referred to the service manager immediately. It is important to undertake a preliminary checking out of facts by speaking to the originator of the allegations wherever possible, however the manager needs to be mindful of not prejudicing the detailed investigation.

It is essential that witnesses are encouraged to make a note of what they saw and heard, in order to act as an 'aide memory', in the subsequent investigation. Where there is important documentary evidence e.g. records, individual service plans, contact sheets, these should be removed, photocopied, and returned, in order to prevent any subsequent amendment / alterations being made. It may also be necessary to take photographic evidence e.g. of a bruise or injury sustained; of damaged property or any thing else that may seem relevant. These actions should be taken by the manager, or person in charge, on receipt of the complaint / allegation.

6. Suspension

Where the allegation, if proven, may constitute gross misconduct consideration must be given to suspension. Wherever possible it is essential to carry out a preliminary check of basic information e.g.

Was the employee on duty?

Could more than one person have been responsible for the act of misconduct?

Have other allegations of a similar nature been treated as gross misconduct?

Where evidence does suggest that the employee may have been responsible for the act of gross misconduct they must be suspended. The decision to suspend must be taken following consultation with the board of directors.

It is essential to act quickly. If the employee is not suspended following this type of allegation or complaint, and is subsequently dismissed, and decides to take PCC to an employment tribunal, the tribunal will consider that the misconduct was less serious and therefore insufficient grounds to warrant summary dismissal.

7. Commissioning the investigation

8. The commissioning officer

When allegations /complaints are received they should be referred immediately to the manager responsible for the service to which the concern relates, to decide whether a formal investigation is necessary or whether the matter can be dealt with as a management issue. In making this decision the manager must take account of the application of the policies and the gravity of the allegation.

If the decision is made to conduct a formal investigation, the manager will normally act as commissioning officer and will be responsible for managing the investigation process and its resolution. However, if the allegation / complaint relates to the manager of the service or if the manager has a personal interest in the issues being investigated, the matter must be referred to the next level of management for action. Where allegations are made of a serious nature, the board of directors is responsible for appointing a commissioning officer. The commissioning officer must be of management level within PCC or above for all formal investigations. For complex investigations and those that may lead to dismissal, the commissioning officer must always be a senior manager in PCC or above.

The commissioning officer is responsible for appointing an investigating officer. He or she is responsible for ensuring that the investigating officer has sufficient time and resources to carry out the investigation within the agreed timescales. The commissioning officer should take an active role and have weekly progress reviews with the investigation officer. The commissioning officer is responsible for ensuring that the investigation officer has dedicated time to carry out the investigation.

9. The investigating officer

The investigating officer will normally be a member of the management team of PCC. When deciding who is an appropriate person to investigate the allegations or complaint consideration should be given to:-

- The nature of the allegation
- The objectivity [or perceived objectivity] and independence of the investigating officer
- The gender, race and disability issues
- The religion and culture
- The specialist knowledge and expertise required.

The board of directors are responsible for maintaining a list of staff who have been trained and are experienced to conduct investigations. The board of directors is responsible for monitoring the progress and impact of the investigations and suspensions if they are required.

Inexperienced investigating officers should shadow more experienced officers, prior to undertaking their own investigation in order to build up their level of expertise.

In cases of potential gross misconduct and in complex investigations, the investigating officer needs to be of sufficient seniority to have the skills and experience to carry out the role. Such investigations must be undertaken by a manager outside the service.

The commissioning officer and the investigating officer are jointly responsible for arranging a personnel link for the investigation.

10. Brief for the investigating officer

The commissioning officer is responsible for providing the investigating officer with clear written instructions, defining the nature of the allegations or complaint and what precisely needs investigating. The brief should be prepared by the commissioning officer within 48 hours of appointing the investigating officer. The format of the brief should follow that outlined in APPENDIX 1

The brief must be clear and unambiguous as this is the key to an effective investigation. The investigating officers need to be satisfied before starting the investigation that the brief clearly and precisely identifies the issues that are to be investigated. It is essential that the investigating officer and the commissioning officer are in agreement on the meaning of these issues.

It is important that at this stage that the commissioning officer and the investigating officer are aware of the policies and procedures that may apply in this matter. If a decision made as a result of an investigation is challenged and becomes part of a legal process, e.g. at a tribunal, it is most important to be able to show that PCC followed its own policies and procedures.

Note; When an investigation is carried out under the protection of vulnerable adults [POVA] policy and procedure, Social services must convene a strategy meeting in consultation with appropriate agencies before an investigation commences and a second meeting after the investigation report has been received. Reference should also be made to PCC POVA policy.

The brief must be treated as a formal document and be fully and accurately completed at the outset. Investigating officers should not accept it until fully satisfied with all its contents and it has been signed and dated by the commissioning officer. This is particularly important, as it will be used if there is a disciplinary hearing and or may become part of a legal process and be subject to legal challenge.

Particular attention should be made to the following aspects of the sections of the brief

11. Nature of the allegation or complaint

The wording must be clear and precise, commissioning and investigating officers need to check that the terminology used does not infer that a judgement has been made prior to the investigation. The facts as known and issues to be investigated must be stated in a way that cannot be interpreted as having a bias towards a pre – conceived conclusion.

PCC foster Care Agency is to ensure that a clear distinction is made between investigations into allegations of harm and discussions over the standards of care.

Concerns over standards of care should not be dealt with usi

12. Policies and procedures which apply

It is important to state which of the policies, if any, apply, the stage that has been reached and the future requirements to comply with the policies. Reference should be made to the complaint number.

13. Date received and by whom

If there has been an undue delay between the date of receipt of the complaint or allegation and the issue of the brief, the investigating officer should ascertain why.

The name and designation of the person making the complaint or allegation should be clearly stated so that he or she can be identified for interview when necessary.

14. Background information and documentation and action taken to date

Commissioning and investigating officers need to make sure that there is no inference that a judgement has already been made. The facts as known and issues to be investigated must be stated in a way that cannot be interpreted as having a bias towards a pre – conceived conclusion.

15. People to be interviewed and documentation

These lists will not normally be all – inclusive and the investigating officers have the right to extend them if necessary once they have had time to study the brief and as the investigation proceeds.

16. Areas to be investigated

These need to be tightly drawn, fairly reflect the nature of the allegation or complaint and be capable of investigation. They [not the contents of the section headed ‘ nature of allegation or complaint’] are the formal remit to which the investigating officer has to respond when writing the investigation report.

A loosely drawn ‘ fishing brief ‘ is not acceptable and the investigating officers, when agreeing the brief, should always have in mind how effectively they will be able to conduct an investigation and write a report on the basis of it. If they have doubts about the wording of the areas to be investigated, these should be clarified with the commissioning officer at the outset. Likewise, the commissioning officer should be satisfied that all to be investigated are covered in this section of the brief.

The purpose of the investigation is to establish the facts, rather than to ‘ prove ‘ the allegations. It is to report on the facts, not provide opinions.

17. Timescales

There are clearly defined time scales within policies and it is important these are noted when preparing the brief and are adhered to by the investigating officer.

It is particularly important that timescales are adhered to when staff are suspended.

The commissioning officer and the investigating officer should agree a time frame for conducting the investigation and producing a report. In normal circumstances the report should

be finished within a week of completing the investigation. However the investigating officer should ensure at the outset that agreed timescales are realistic.

18. Support for the investigating officer and resources to be allocated to the investigating officer

At the outset of the investigation the commissioning officer and investigating officer should discuss the likely process of the investigation and agree the support and resources that the investigating officer may need in order to carry out the investigation e.g.

- Additional investigators, if the size of the task warrants this or if specialist expertise is required
- Administrative support
- Skills and availability of the note – taker to attend the interviews at the proposed times and complete the ‘ type up’ within the timescales and on a secure system
- Meeting room facilities that are secure and provide confidentiality
- Advocates

19. Administrative support

The commissioning officer is responsible for ensuring that the investigating officer has adequate administrative support. A note taker should be provide for each interview [ideally the same person in order to ensure consistency in the style of the interview notes]. The note taker will also be responsible for typing statements from the interviews - these will be checked by the investigating officer prior to sending two copies of the statement to the witnesses, for signature and return. Witnesses should be given a specific date by which to return their statements.

The administrator in the service should normally be used to make interview arrangements i.e. suitable room and venue, suitable timings based on interviewees’ work rotas, sending out letters confirming the details.

20. Involvement of the board of directors and personnel

The board of directors and personnel must be informed of all investigations. They will provide support and advice to the investigating officer throughout the process.

21. Agreed reporting arrangements

Investigating officers need to satisfy themselves that these arrangements are adequate to enable the investigation to be carried out effectively

Where the investigating officer identifies new evidence during the investigation which affects the brief ; e.g. a new allegation or more serious matters which may require the employee to be suspended, the investigating officer must notify the commissioning officer immediately. Where

there is evidence that the matter does not constitute gross misconduct the employee should normally be returned to work whilst the investigation is completed.

22. Dialogue with the commissioning officer

During the course of the investigation the investigating officer needs to maintain a dialogue with the commissioning officer to ensure that the commissioning officer is kept fully informed of the process of the investigation .If the commissioning officer takes leave during the course of the investigation he or she should formally delegate this role to a fully briefed senior member of staff who has authority to take any necessary action so that progress of the investigation is not hindered.

23. Potential criminal proceedings

If the nature of the allegation or complaint to be investigated gives rise to a police enquiry or criminal prosecution, it is essential that the commissioning officer liaises with the police and that no action is taken which will prejudice their enquiries. Police must have the first opportunity to interview the witnesses without prior interference to their approach. If the investigating officer has any reason to think that there could or should be police involvement the commissioning officer must be informed immediately. This may result in a temporary delay in proceeding with the investigation or at least those parts relating to the potential police enquiries until written clearance to proceed is obtained from the police. Failure to do this may have serious legal consequences. Early referral or consultation with the police will enable them to establish whether a criminal act has been committed and this will give them the opportunity of determining if, and at what stage, they need to become involved. [see APPENDIX 2]

If, during the investigation, evidence emerges of possible criminal activity [e.g. theft or abuse or assault] the commissioning officer must be contacted immediately and the investigation suspended pending a decision being made to whether or not the police should be informed. In such cases it is essential to consult with personnel and the board of directors before any further action is taken.

24. Additional allegations or other matters arising during the investigation

If, during the investigation further allegations arise or the investigating officer considers there are other related matters that should be investigated as part of the on – going investigation, the investigating officer must inform the commissioning officer so that the original brief for the investigation can be reviewed.

In circumstances where the commissioning officer is implicated in these new allegations the investigating officer must refer the matter to the next highest level of line management who will be responsible for deciding the continuing commissioning arrangements and for advising senior management.

Where it is agreed that these new matters should be added to the allegations already under investigation, the commissioning officer must ensure that the person facing the investigation is informed. Where these new allegations may if proven, constitute gross misconduct, following advice from the appropriate member of personnel, the commissioning officer must ensure that the employee is suspended in accordance with the disciplinary procedure.

25. Arrangements for interviews and on – site investigations and for reviewing documentation

After assimilating the brief the investigation officer needs to make arrangements for interviews and for documentation being made available. In some cases this can be done by simply making an arrangement through the service manager, for interviewing people and providing meeting facilities. [SEE APPENDIX 4] In other cases e.g. when a suspended employee is to be interviewed, the investigating officer will have to make direct contact with individual witnesses and custodians of documentation. [see APPENDIX 5 and 6]

In all cases where PCC employees are to be interviewed they need to be advised of their right to be accompanied in line with the relevant PCC procedure.

It is essential, both the efficient conduct of the investigation and for future reference to keep a time table of interviews, a list of documentation produced and a file of telephone calls made and exchange of emails etc [see APPENDIX 7,8 and 9]

26. The interview process

Each investigation is unique and the investigation officer should carefully consider what questions should be put to the interviewees to obtain the required information. The investigating officer should prepare for the interview identifying the areas that need to be covered with the interviewee. It is important to remember that if questions are prepared in advance; these should not be rigidly adhered to, but used as guidance to ensure that identified areas are covered.

The investigating officer must probe issues based on the answers given and information provided by the interviewee. They should work logically through the sequence of events to obtain a picture or explanation of what was alleged to have happened. The investigating officer should not set to ‘ prove ‘ the allegations but should attempt to establish the facts. Opinions should be avoided and only used when they can be identified as specialist opinions.

The questions have to be tailored to the particular investigation, but in preparing the areas that need to be covered at interview, it is useful to bear in mind the following list:-;

- A. What is alleged to have happened
- B. When is the incident alleged to have happened
- C. Who was involved e.g. to whom did it happen, where, how etc and who witnessed the incident
- D. Has anything similar occurred before – when, where, how etc and how was it dealt with
- E. What aspects of the areas to be investigated are substantiated
- F. What codes of conduct, practice or accepted standards or parameters [implied or explicit] have been breached
- G. Could the employee[s] volunteer[s] service user [s] involved reasonably be expected to know and understand the codes of conduct, practice and acceptable standards or parameters in this instance
- H. What evidence is there that they have received relevant instructions or training
- I. Why is what happened a matter of concern
- J. What is normal practice

- K. Could what is alleged, have actually happened [check log books, rotas, absence lists, records, physical layout / location – a diagram might be helpful and could be included in the report]
- L. Could witnesses have seen / heard what they claim
- M. Is there evidence of adequate supervision
- N. Hearsay or ‘ gut ‘ feelings must be recognised as such and avoided unless they can be substantiated
- O. Do witness statements corroborate each other. If not, why not
- P. What does the person making the allegation consider would resolve the matter satisfactorily

The investigating office should take time at the end of the interview to reflect on what has been said and check for any gaps. If necessary the investigating officer should arrange for an adjournment to give sufficient time to analyse the information. This should help avoid the need to go back at a later stage and re – interview the witness.

If a note - taker is appointed, it is important for him or her to have some prior knowledge of the line of questioning before the interview starts and the investigating officer should let the note – taker have a copy of the questions list before hand, if at all possible. The note – taker should also be given a copy of the statement form, which must be used when the statements are typed up.

The mode of record taking should be agreed with the note – taker before the interviews start and the investigating officer should clearly identify their expectations of the note – taker including the format to be used. At this stage the note – taker should be informed of any sensitive issues, which may be discussed during the interviews.

When the note – taker is appointed investigating officers should satisfy themselves that he or she has the appropriate skills, understands the process and timescales, the need for confidentiality and that there is no conflict of interest. The investigating officer should also be aware of the need to provide the note – taker with rest breaks during the interview process and plan the interview timetable accordingly.

Where a member of staff refuses to attend an interview because their representative is unavailable, an alternative date should be offered. The investigating officer should contact the representative direct in order to agree an alternative date to meet. When the employee has been advised of the new date for the interview they should be informed in writing that if for any reason their representative is unable to attend on this revised date, it is the employee’s responsibility to identify an alternative representative to accompany them. Where the investigating officer experiences difficulty in meeting with an employee it is essential to seek personnel advice and support.

27. Specialist skills

If the subject matter of the interview requires specialist skills, the investigating officer should either have a co – investigating officer who can conduct or assist in conducting the interview or should seek the appointment of specialist assistance for this purpose.

28. The interview

Prior to the interview the investigating officer should try to ascertain whether any service user to be interviewed needs the assistance of an advocate or interpreter and would wish to have that form of support during the interview. If so, it will be necessary to make the [appropriate arrangements through the commissioning officer or the service manager. Similarly, if it is identified that other interviewees need particular support or adjustments [for example if they are disabled or if English is not their first language], suitable arrangements should be made with advise from personnel, as appropriate.

As part of the preparation for the interview the investigating officer should check the layout of the room to ensure that it is user friendly and will not intimidate the person to be interviewed.

At the start of each interview the investigating officer should make introductions, explain their appointment, why the interviewee has been asked to attend and the purpose of the interview, without disclosing allegations or the evidence the interviewees may give.

The investigating officer should also explain the way in which the interview will be conducted, how information given will be recorded and how statements will be dealt with. The time scale for the investigation should also be explained. The possible need for statements / interview notes to be made available to third parties should be clarified and the interviewee should be told who these may include and why there is an obligation on PCC to disclose information to them [see APPENDIX 2]

29. Confidentiality

During this introduction the importance of confidentiality must be stressed and interviewees should be told about the need not to discuss the interview or the information given with others while the investigation is proceeding.

30. Rights of the person under investigation

It is PCC policy that any person implicated in a formal investigation has a right to be treated fairly, reasonably, and with respect and consideration. This is also essential if the investigation is to be accepted as a fair process in any follow – up legal processes.

It is the duty of the commissioning officer to ensure that anyone who is under formal investigation is made aware of the nature of the allegations and is given a copy of the relevant policy under which the investigation has been instigated. They should be made aware of their rights and that, in line with the appropriate procedure; they may be accompanied / represented at any interview or subsequent hearing. The investigating officer should check with the commissioning officer that this has been done before proceeding. It is essential that persons under formal investigation are interviewed and given an opportunity to state their case as part of the investigation.

Consideration should be given to the support mechanisms that can be made available to the person who is the subject to investigation. It is not, however, the responsibility of PCC to identify a formal representative to accompany the member of staff at interviews or at subsequent hearings .

31. Judging credibility

In many investigations those being interviewed give conflicting views of what has happened. There is also, occasionally, a suspicion that interviewees are colluding, either to protect someone from blame or to try to place blame on an innocent person. Sometimes an allegation or complaint may have been made maliciously. In all circumstances it is difficult to decide who is telling the truth.

In order to have a better chance of getting to the truth, investigating officers must have thoroughly understood and analysed the brief and taken time before the interviews to think the allegations through and prepare lists of questions.

These questions are designed to elicit from the interviewees a clear and unambiguous picture of what happened. If possible the documentation should have been read and the location visited before the interviews. Questions should be framed as 'open' ones – except where these are needed to establish a specific fact e.g. were you on duty on

The investigating officer should always be alert to ambiguities and be prepared to probe and ask supplementary questions to resolve them. If the statements from the interviewees do not corroborate each other or are inconsistent with the documentation or if the physical features are such it is difficult to believe that things could have happened in the way described, the investigating officer must ascertain why this is so. If interviewees make comments about the character or qualities [either good or bad] of others, a reasonable attempt needs to be made to check whether they are accurate or not.

Investigating officers should probe assumptions that have been made by interviewees and should also avoid making assumptions themselves and leading interviewees into supporting them.

People who are asked to describe an incident will normally recall different aspects of the event and in different ways. Investigating officers may be suspicious if interviewees tell the story in exactly the same way. In trying to determine the facts investigating officers should try, during the interview, to build up a picture of what happened and test it against what they are being told, the documentation and the physical possibilities. The investigating officer needs to assess the inferences, if any, which can be drawn from the body language of the person being interviewed. Investigating officers should also be aware of their own body language and try to keep it neutral.

Ultimately investigating officers need to be satisfied that they understand the incident being investigated and that they have probed and challenged sufficiently to achieve this. In doing so the investigating officer should remember the value of using silence from time to time and allowing sufficient time for thought, and make sure that there are opportunities for reflecting upon and summarising what has been said. This can help prevent misunderstandings or open up new lines of discussion.

32. Where a suspended employee refuses to cooperate

Where an employee is suspended, the terms of their suspension clearly state that he or she is required to co – operate with the investigation and make themselves available to be interviewed. If a sick certificate is submitted the investigating officer should arrange an alternative interview date immediately after the expiration of the certificate. If the employee submits a second certificate the personnel department should be notified. A letter will be sent to the employee informing them that ;

It is in everyone’s interest to complete the investigation as speedily as possible

The investigation cannot be held off indefinitely.

Medical advice will need to be obtained in order to ascertain when the employee will be fit to participate in the investigation and therefore the employee is asked to sign a consent form so PCC can write to their G.P.

If there is no definite date for the investigation interview, the employee is required to provide a written submission and their representative is invited to provide details of any information they wish to be considered as part of the investigation

If the employee continues to be unwilling or unable to participate in the process the investigating officer will have no alternative but to complete the investigation based in the information available at the time

33. Statements

The note – taker must diary out time to type up statements immediately after the interviews. It may be easier to work from a different base to do this, in order to avoid interruptions

The statements do not need to be verbatim but to be an accurate summary of the key points made during the interview. They also need to reflect the questions asked and the subsequent response given by the interviewee.

Once the statements have been typed, using the statement form, and checked by the investigating officer, two copies should be sent to the interviewee who should be asked to check the statement and, if satisfied that it is an accurate record of what was said, date and sign it and return one copy to the investigating officer within seven days of receiving them. The interviewee should be asked to retain the other copy. If the interviewee wishes to make factual changes they should be marked on the returned copy and initialled. [see APPENDIX 11 AND 12]. The interviewee should be advised that if a statement is not returned by the interviewee within the agreed time scale the original will be treated as the accepted statement.

If during the interview the investigating officer ascertained that the interviewee would not be able to open the envelope containing the statement, or read the statement independently, the investigating officer should, with the agreement of the interviewee, make an arrangement at the time of the interview for an independent person to facilitate this.

If major changes are to be made then the interviewee should be advised that both of the statements [i.e. the original and the amended] copy will be retained with the papers and the investigating officer may comment on the changed evidence in the report and draw conclusions from the fact that the changes have been made after the interview. [see APPENDIX 13]

34. The Investigation report

Once the investigation has been completed, the investigating officer must prepare a report. The report should be brief and factual, concentrating on the allegation or complaint and relevant incident [s]. It must respond to each of the areas to be investigated. It must clearly state the facts and make recommendations in relation to practice or the invoking of the disciplinary procedure. [It is important to note that the investigating officer may not state what the outcome should be in relation to disciplinary action.]

The investigating officer should seek personnel support before writing the report. It is of real value to have the evidence ‘tested’ by a third party and to discuss the possible findings and recommendations of the investigating officer. Once a report is written it is difficult to make fundamental changes.

The investigation report should ‘tell the story’. The reader should be able to understand the issues and the reasons behind the investigating officer’s conclusions by reading the main body of the report. This does not mean the report needs pages long, excluding appendices.

As with the note – taker, the investigating officer must diary out time to write the report immediately after the last interview. There is no requirement to await the return of signed statements to commence this work. Parts of the report such as the methodology and chronology can be prepared ahead of and or during the interview process.

The personnel manager and commissioning officer should have a copy of the report to read and the opportunity to clarify any points that are felt to be unclear before this goes out to the employee.

Thorough completion of all the sections of the report format is important, as it may become part of a legal process. The report should follow the format set out in APPENDIX 15 and contain the following;

A. Title

The report should have a working title, which is sufficient to identify it for future reference but does not identify individuals.

B. Appointment of the commissioning officer and the investigation officer receipt of the allegation or complaint

This section should contain details of:-

- a. The commissioning officer
- b. The investigating officer

- c. The receipt of the allegation
- d. The complaint [where applicable]

C. Introduction

The investigating officer should:-

- a. State the allegation or complaint clearly as detailed in the written brief
- b. Refer to the relevant policies under which the investigation has been carried out [e.g. stage 2 of the complaint procedure]
- c. Set out the areas to be investigated as detailed in the brief

D. Method or process of investigation

It is essential to have a document list and an interviewee list with the dates, the name of the interviewer[s] and others present. The list of people interviewed should be provided in the form of a timetable with headings for name, designation, date of interview, place of interview, and name of accompanying person, if any.

Care should be taken to include all details of the method of investigation e.g. how interviewees were contacted and the dates on which the investigation took place. If there were any undue delays in the arrangements for fixing interview dates with any of the interviewees, this should be recorded and their reasons stated.

The method of recording answers to questions should be stated and if a note – taker was used this should be recorded along with his or her name.

The fact that each interviewee was offered the opportunity to be accompanied should be recorded and if this offer is declined this should also be stated.

E. Chronology of events

The report should contain a brief chronology detailing in two columns [date and detail] the sequence of significant events leading to the allegations being made and the current investigation. It is important to list only significant events otherwise, if the list is too long, it loses its impact for the reader of the report.

F. Background

It assists the recipients of the report in understanding the full circumstances, if the report narrates the background to the allegation or complaint as ascertained by the investigating officer from the interviews and examination of the documentation. This section should pave the way for the findings.

G. Findings

The report must provide information, in a brief and factual way, on all the areas to be investigated, supported by references to statements and documentation.

Each area to be investigated must set out in the report as in the brief and dealt with individually by providing a summary of the findings of the investigating officer[s].

Documentary evidence such as statements, records, and notes of meetings, which support these findings, should be referred to. What the interviewees [if any] saw and what they did should be stated.

Reference should be made to breaches of the PCC policies and procedures, codes of practice and copies of the relevant sections of the policies, which have been breached, should be attached as numbered appendices.

When writing the report the investigating officer should always be aware of the need to be able to demonstrate that each stage of the investigation has been conducted fairly and thoroughly and be able to justify the fairness of any findings or conclusions arrived at.

H. Conclusions

The investigating officer must deal with each area to be investigated in turn and state the conclusions he or she has reached on the basis of the findings.

I. Recommendations

It is important to make recommendations about courses of action for management to consider e.g. as to future practice, or invoking the disciplinary procedure. However, in doing so the investigating officer must always understand that decisions will be left to operational managers to make and justify.

J. Appendixes

Appendices should be attached to the report. They should contain supporting information including statements, records, notes of meetings, and relevant policies, as appropriate. Where statements are not part of the main report [for example whistle blowers may wish to preserve their anonymity, they should be retained in case they need to form part of further proceedings at a latter date.

K. Signature of the report

The report must be dated and signed, as should all statements or investigation notes of interviews.

35. Sending the report to the commissioning officer

Once the report has been completed the draft should be sent to the personnel manager to comment on personnel implications, in preparations for issuing to the commissioning officer. Any changes made as a result should be agreed with the personnel manager, who should 'sign off' changes they make to the copy sent to them.

The report in its final form should then be dated and signed by the investigating officer[s] and sent to the commissioning officer. [see APPENDIX 16]

The commissioning officer will then be responsible for acknowledging receipt of the report, clarifying the content, ensuring that they meet the requirements of the investigation and for deciding what action should be taken. He or she is also responsible for deciding the extent of the circulation of the report – it must not be copied to any person without the approval of the commissioning officer.

It is the responsibility of the commissioning officer to ensure that the person making the allegation or complaint and the person facing the allegation or complaint are informed of the outcome of the investigation.

It is essential that, within normal limits of confidentiality, the commissioning officer gives reasonable feedback to the investigating officer on the action taken as a result of the report- including feedback and learning points in relation to the investigation process and report.

36. Follow up actions

Whatever the out come of the investigation, it is important at the whole process is reviewed and that any learning points, including areas for improvement, are highlighted and actioned as appropriate. This is particularly important where an employees has been suspended during the investigation and needs to be re – integrated into the work place. Support and training issues should be discussed with the relevant individual and an action plan drawn up by the commissioning officer and or line manager.

The investigating officer is responsible for ensuring that the note – taker returns all copies of material he or she has obtained or used in connection with investigation, also that all investigation information, including copies of the statements is removed from computers, which have been used by the note – taker in the course of the investigation. He or she is responsible for ensuring that no copies of information typed up by the note – taker, in the role, are retained in the service files

Conducting an investigation
APPENDIX 1

Strictly confidential
Brief for the investigating officer

Nature of the complaint / allegation _____

Policies which are applicable _____

Date received _____

By whom _____

Background information _____

Action taken to date _____

People to be interviewed include

Documentation might include

Areas to be investigated

1. _____.
2. _____.
3. _____.
4. _____.
5. _____.

Anticipated timescales for completing the investigation & producing the report

Anticipated / agreed working hours / days required to complete the investigation

Resources to be allocated to the investigating officer

Agreed reporting arrangements between the investigating officer and the commissioning officer

Any other information or comment

Signed _____ Date _____
(commissioning officer)

Signed _____ Date _____
(investigating officer)

Letter to the commissioning officer – A

Strictly private and confidential
Addressee only

Date

Dear

.....Investigation

When we spoke on the telephone we discussed the fact that the complaint/ allegation regarding.....might be / is the subject of a police enquiry. We agreed that before I proceed with the investigation, which might involve interviewing potential police witnesses, you will obtain written advice from the police as to whether they would have any objection to the PCC investigation taking place.

Please let me know when this is received so that we can proceed with the investigation

Yours sincerely

Investigating officer

Letter to the commissioning officer – B

Strictly private and confidential
Addressee only

Date

Dear

.....Investigation

When we spoke on the telephone on..... I advised you that during the above investigation circumstances have come to light, which in my view raise the possibility of a police enquiry.

These circumstances are.....

It was agreed that before I continue any further with the investigation, you will obtain written advice from the police as to whether they would have any objections to this. Please let me know when this is received

Yours sincerely

Investigating officer

Letter to the service manager

Strictly private and confidential
Addressee only

Date

Dear

.....Investigation

I have been commissioned by.....to lead an investigation into the complaint / allegation by..... regarding alleged.....
As discussed I will be at.....accompanied by.....on.....to start the investigation. A note taker will also be present.

You will appreciate that we will require a substantial amount of documentation and to interview a number of staff and service users. I have prepared and enclose a list of those we would like to interview. There may be others as the investigation proceeds.

Regarding interviews we would like to see as many people a possible on this visit but clearly much will depend on the results of reading the documentation.

Staff interviewed will of course have the right to be accompanied by a work colleague, staff association representative or a union representative.

Once you have had an opportunity to consider the contents of this letter I would like to talk to you again so that we can plan the time to the best advantage of everyone.

I look forward to meeting you on.....

Yours sincerely

Investigating officer

Letter to an individual staff member

Strictly private and confidential
Addressee only

Date

Dear

.....Investigation

I have been commissioned by..... to investigate a recent incident at.....following which a number of allegations were made. As part of this investigation I would like to meet with you.

I will be at..... and would like to interview you at.....am/pm.

If you wish you may be accompanied by a work colleague, staff association representative or a union representative. I will be accompanied by.....and a note-taker will be present.

If there is any thing that you would like clarified I can be contacted via my secretary..... on.....

Yours sincerely

Investigating officer

Letter to a service user

Strictly private and confidential
Addressee only

date

Dear

.....Investigation

I have been commissioned by..... to investigate a recent incident at..... following which a number of allegations were made. As part of this investigation I would like to meet with you.

I will be at.....on.....and would like to interview you at.....am/pm

If you wish you may be accompanied by a work colleague, staff association representative, or a union representative. I will be accompanied by.....and a note-taker will also be present.

If there is any thing that you would like to clarify I can be contacted via my secretary.....on.....

Yours sincerely

Investigating officer

Letter to a service user

Strictly private
Addressee only

Date

Dear

I have been commissioned by.....to investigate a recent incident at.....following which a number of allegations were made. As part of this investigation I would like to meet with you and hope that you will be agreeable to this.

I will be at.....on.....and would like to interview you atam/pm

If you wish you can bring someone with you for support or may be accompanied by an advocate. I will be accompanied by.....and a note-taker will be present.

If this time is not convenient or you wish to speak to me I can be contacted via my secretary.....on.....

Yours sincerely

Investigating officer

Timetable of interviews

Confidential

Investigation at

By

Date

Date/time	Name	Status/ role	Interview Site Visit	Statement signed
Tues Dec 2nd				
11.30am		Chairman / residents committee	statement	Signed
12.30pm		Key worker	statement	Signed
1.30pm		Service user	statement	Signed
2.30pm		Key worker	statement	Not received
4pm		Former services	statement	Signed
5pm		manager	statement	Not received
Wed Dec 3rd				
10am		Sight visit	Diagram	In report
2pm		Service user	Statement	Signed
3.30pm		Relative	Statement	Signed
4pm		Friend	Statement	Signed
5pm		Service manager	Statement	signed

Document list

- 1 Letters
- 2 Interviews
- 3 Minutes
- 4 Off duty rotas
- 5 Staff files
- 6 Accident book
- 7 Exit interview forms
- 8 Individual service user folders
- 9 Training records
- 10 Induction records
- 11 Staff meeting minute
- 12 House meeting minutes

File note

File note
.....investigation

Emailed to.....

Photo copies to.....

Date	
12/06/03 09:15	 To..... to confirm letters containing statements should still be sent to peoples private address as pre-arranged – check with service user that their mail would be treated as confidential-.....Key worker to check with service user if ok and with staff to send letters as arranged any changes to be relayed by To my secretary
12/06/03 14:30	 From Secretary to say she has received a phone call from..... confirming peoples preferences for receipt of their statementsinformed..... [secretary] that a service user A did not feel she said enough to me in her interview and just wanted to get out of the room at the time.
12.06/03 14:45	 Phone to..... Spoke with..... Service manager she explained that A wanted to speak to me to add things to her statement I suggest A rings me direct
12/06/03 15.23	 from A toasty she wanted to add things to her statement- informed did additional information on a separate piece of paper and attach it to her original statement– she seemed to think she had not been positive enough

Introduction when interviewing

Welcome. Thank you for meeting me

Who I am

I have been asked by..... to conduct an investigation into allegations/ complaint following an incident at..... and to establish the facts as far as possible. I have asked to see you as it is hoped that you may be able to clarify what happened.

When I wrote to you arranging the interview I informed you that you could be accompanied. I see that you have come on your own. Can I just confirm that you are happy to be interviewed on your own.

Before we starting the interview I would like to explain the domestic arrangements here- Deal with toilets exits, fire etc.

I am going to start with some general questions so that I can learn about your role and explain mine.

I have a list of questions as a guide for me.....is note-taker and will write down your responses.

If at any time during the interview you would like to stop for a short break. Please just let me know.

If during the interview there is any thing you do not understand, please feel free to ask questions.

After I have asked my questions you will have an opportunity to tell me about anything that is relevant, that I have not covered.

What we are about to discuss is confidential. Please do not talk about the questions or your answers with anyone else.

If there is anything else that you think of which is not covered. Please do not hesitate to contact me or write it on the statement when it is sent to you for checking.

After this interview the note taker will prepare a statement. I will check it and send you two copies. When you receive the statement, please read it and check that it is a true record of what you said. Then return one copy signed to me. The other copy is for you to keep. If I do not receive amendments from you within seven days of sending you your statement I will assume that you accept that this is an accurate record.

We hope that the investigation will be completed by.....

You need to be aware if this investigation leads to formal proceedings, your statement could be used as part of this.

Statement form

Strictly private and confidential

..... **Investigation**

Name of investigating officer/interviewer

Name of interviewee

Designation of interviewee

Date of interview

Venue

Interview commenced at

Interview finished at:

Signed

Date

Please continue overleaf if extra pages are used date and number and sign each page

Letter sending statements

Strictly private and confidential
Addressee only

Date

Dear

.....Investigation

Thank you for meeting with me on.....I enclose two copies of your statement and I would be grateful if you could check them and make any factual corrections.

The statement should then be returned to me by..... In the enclosed stamped envelope. Please note that if your statement is not returned to me by this date I will assume that you accept this as an accurate record of our meeting.

If you have any queries I can be contacted via my secretary.....at.....

Thank you for your assistance

Yours sincerely

Investigating officer

Letter where a statement is returned with substantial changes

Strictly private
Addressee only

Date

Dear

.....Investigation

Thank you for returning your statement. You have made some substantial changes and in these circumstances I will attach it to the original statement which was sent to you. Your changes will be noted and taken into consideration when the investigation report is compiled.

Thank you for your assistance

Yours sincerely

Investigating officer

Letter when a statement is not returned

Strictly private and confidential
Addressee only

Date

Dear

.....Investigation

I sent you a copy of your statement for signature on..... It would be most helpful if you could deal with this as a matter of urgency and I would be grateful if you would please now sign your statement and send it to me. If it is not returned by..... the original statement , as sent to you, will stand with a reference to the fact it was not returned signed

Thank you for your assistance

Yours sincerely

Investigating officer

Format of report by the investigating officer

Strictly confidential – restricted circulation

Title

E.g.....service
Investigation into allegation/ complaint regarding

Contents page

Appointment of commissioning officer and investigating officer
Receipt of allegation /complaint

Name of commissioning officer.....
Post held.....
Date complaint / allegation first received.....
By whom.....
Complaint number.....
Name of investigating officer[and team]
.....
.....
Post[s] held.....
.....
.....
Date appointed.....

Introduction

Method / process of investigation

Chronology of events

Background

Findings

Conclusions of the investigation

Recommendations

Appendices: appendices should only be attached to the main body of the report sent to the commissioning officer

Signature:

Letter sent to the commissioning officer

Strictly private and confidential
Addressee only

Date

Dear

.....Investigation

The report on the investigation which you commissioned on..... Has now been completed and is enclosed.

Please contact me if you want to discuss any issues or details contained in the report.

Yours sincerely

Investigating officer