

## Appendix 3: Code of Good Practice for Investigations

Before holding a disciplinary hearing, it is crucial an employer has sound evidence on which to base their decisions. Failing to conduct a full investigation, in all but the most exceptional of circumstances, may render a dismissal unfair and result in costly consequences in terms of tribunal awards, and staff morale.

Investigations will be required within the CCG in response to a wide range of situations, including but not limited to:

- Disciplinary allegations
- Grievances
- Complaints about discrimination, harassment or bullying
- Complaints from patients and relatives
- Personal injury claims
- Issues of capability
- Allegations of fraud

The CCG also has a Whistleblowing Policy and harassing or victimising a whistle-blower (including informal pressures) will be considered a serious disciplinary offence and will be dealt with under this procedure.

It is essential to ensure that investigations are conducted promptly, thoroughly and fairly. The following guidelines should therefore be applied in all cases:

1. The purpose of any investigation is not to build a case or a defence, but to establish the facts
2. The line manager of the person facing an allegation or complaint should take responsibility for the investigation
3. In cases of alleged fraud, the CCG's internal audit department should be notified and involved immediately
4. The investigating officer should, without delay, obtain statements from any witnesses, together with other relevant documentary information
5. Adequate time and notice of meetings should be given to employees who need to be interviewed or produce statements. Where the employee to be interviewed is the subject of a complaint or allegation, he or she must be provided with details of such complaint or allegation in advance of the interview
6. All staff being interviewed should be given a reasonable opportunity to obtain support and/or guidance from a trade union or staff organisation, or from a work colleague
7. The initial evidence gathered should be used to prepare an estimate of the time and resources needed to complete the investigation
8. The evidence collected should be tested for accuracy against other witness accounts and/or documentary evidence
9. Witnesses should be aware that statements prepared during the investigations will be used as evidence for any subsequent disciplinary hearing

10. Little reliance should be placed on 'hearsay' evidence unless this points to, or can be tested against, more reliable evidence
11. Every reasonable effort should be made to respect the confidence of all staff involved in the investigation. However staff should be advised that unless there are exceptional circumstances, the respondent will be entitled to see all statements and interview records in the event of formal proceedings.
12. The investigating officer should determine what evidence is relevant to the issue at hand, i.e. what helps to prove the facts rather than what strengthens or weakens the case
13. The evidence collected should be used as the basis for a decision as to any further action that may be required
14. Once the investigation has sufficient evidence on which to base a decision, finish the investigation. The standard of proof for most internal investigations and any subsequent disciplinary hearing will need to be "on the balance of probabilities". The case does not have to be proved "beyond reasonable doubt" for it to stand up in a tribunal.

Further advice and guidance on conducting investigations is available from the Human Resources Department.