

CONDUCTING EFFECTIVE WORKPLACE INVESTIGATIONS

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WHY INVESTIGATE?

- Resolve workplace conflict
- Avoid actual or perceived conflicts of interest
- Serious professional consequences for subject of investigation
- Expectations of regulators/public

WHO INVESTIGATES?

- Professional background
- Independence and conflict check
- Experience and training
- Individual or team
- Additional support

Independence

- Is it necessary?
- Privilege implications
- Conflict checks
- Input into terms of reference
- Choosing witnesses
- Admin support
- Hospitality

Terms of reference

- Who is responsible for them?
- Consultation
- Purpose: making factual findings? Recommendations?
- Rules and process
- Standard of proof
- Application of internal policies/legal framework/professional standards
- Making changes to ToRs

Communication

- Announcing an investigation
- Contacting witnesses
- Providing support to witnesses/victims
- Confidentiality/anonymity

Evidence gathering

- Receiving written statements
- Witness interviews or hearings
- Recording interviews
- Witness approval of transcripts/notes
- Written evidence

The report

- Addressing the ToRs
- Reaching findings
- Making recommendations affecting individuals, e.g. disciplinary sanctions, regulatory referrals, support, training
- Wider recommendations on workplace culture
- Applying relevant law/standards
- Opportunity for comment
- Consultation on recommendations

- Circulating the report
- Publicising findings
- Publicity and PR/press handling
- Complaints
- Litigation

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