

## How to handle workplace investigations

### Overview

The statutory minimum procedures for dealing with disciplinary issues, dismissals and how employees raise grievances – and the revised ACAS Code of Practice used by Employment Tribunals to help determine whether organisations have behaved reasonably – are still relatively new. In order to avoid Employment Tribunal claims employers need to show that they have undertaken a fair and thorough investigation into allegations against, and complaints by, their employees. If you have been looking for the definitive course on how to handle workplace investigations in compliance with the new regime, this is it.

### Training objectives

Putting all relevant staff through this course will help ensure that your organisation is better able to:

- Comply with the new regime
- Minimise the risk of Employment Tribunal claims being made
- Maximise the chances of successfully defending such claims

The participants will:

- Have a heightened awareness of legislation affecting how employers discipline their employees and respond to staff complaints, including those of bullying and harassment
- Have a clearer understanding of the various forms that bullying, harassment and discrimination take, and of what constitutes a grievance for purposes of the law
- Understand the relevance of internal HR procedures, and the significance of conducting a fair and thorough investigation
- Improve their ability to conduct such an investigation, and to produce a high quality investigation report which will stand up at any subsequent hearing

### Audience

HR/employee relations advisers, line managers and anyone else likely to be involved in advising on or conducting disciplinary, grievance, or bullying/harassment investigations.

This programme is particularly popular with local authorities.

### Format

This one-day course is centred around formal presentations from the expert trainer but also includes group discussion to enable the sharing of experiences and to ensure that all participants' questions are answered fully. Practical exercises can be included.

### Special features

This programme can be tailored to particular settings and we suggest that, for maximum benefit, the trainer be given access to your organisation's relevant policies and procedures well in advance in order to use as examples during the course.

### The expert trainer

Bridget is an independent consultant and trainer with some twenty years' operational HR experience, gained within both the public and the private sectors. Her most recent permanent appointment was as the Head of Education HR within the London Borough of Tower Hamlets, where she worked in senior HR positions for a number of years. Bridget writes regularly on employment law matters, has a Masters degree in business law, is a Fellow of the Chartered Institute of Personnel and Development, a member of the Society of Education Consultants and a school governor. As a trainer she regularly earns high praise from course participants, as the following comments show:

*'This is the third training session I have been to where Bridget is the trainer and she is brilliant!'*

*'Very focused and useful. It brought me up to date with changes in legislation.'*

*'Excellent – practical and comprehensive.'*

## **Course outline**

### **1 The legal context**

- Definitions: what are gross misconduct, grievances and harassment?
- Avoiding unfair dismissal
- The statutory disciplinary and grievance procedures
- Avoiding unlawful discrimination
- Health and safety: employers' responsibilities
- ACAS advice and codes of practice
- The significance of following proper procedure
- Whistle-blowing and the Public Interest Disclosure Act
- Handling counter-allegations
- Complying with data protection legislation
- Representation rights

### **2 Overview: managing misconduct and employee complaints**

- Disciplinary and grievance procedures: best practice
- Bullying and harassment policies
- When and how to suspend staff
- Managing stress and employee absence in the context of an investigation

### **3 Conducting the investigation**

- Purpose of the investigation and role of the investigator
- Planning and preparing for the investigation
- Structuring the investigation interview
- Questioning techniques and key skills for conducting effective interviews
- Being prepared for some common difficulties
- Recording witness statements
- Reviewing and evaluating the evidence

### **4 The investigation report**

- Status of the investigation report
- Structuring your report
- Confidentiality and anonymity of witnesses
- Considering mitigation
- Significance of the perception of the alleged victim of harassment
- Balance of probability and the 'reasonable employer'
- Making recommendations

### **5 The hearing**

- Purpose and recommended structure of the hearing
- Role of the investigator
- Preparing yourself and your witnesses
- Effective cross-questioning
- Summarising effectively
- Insider's view of the decision-making process and possible outcomes

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<http://www.in-house-training.com>

Email: [info@in-house-training.com](mailto:info@in-house-training.com)