

Investigations at work

1 . Step 1: Deciding to investigate

When there is a possible [disciplinary](#) or [grievance](#) issue at work, the employer should carry out an 'investigation'. This is where they find out all they reasonably can about the issue.

An investigation is to:

- gather evidence from all sides
- find out if there is a case to answer
- make sure everyone is treated fairly
- help the employer to decide what should happen next

At any stage the employer can still look at whether:

- the issue can be resolved informally instead
- a formal procedure needs to carry on

Following a fair procedure

In a disciplinary or grievance case, the employer should make sure they follow a fair procedure. The investigation is an important part of this.

If the employer does not carry out a reasonable investigation, any decisions they make in the disciplinary or grievance case are likely to be unfair. This could risk legal action.

Investigations are covered by the [Acas Code of Practice on disciplinary and grievance procedures](#). If your organisation has its own policy or procedure for investigations, it should follow the Acas Code as a minimum.

If a disciplinary or grievance case reaches an [employment tribunal](#), judges will look at whether the employer has followed the Acas Code of Practice in a fair way.

The Acas Code of Practice mainly applies to those with the [legal status of employee](#).

Someone is not likely to be an employee if they're:

- an agency worker
- a casual worker
- on a zero-hours contract

However, to keep good working relationships, employers should follow the same fair procedure for all workers. Also, there could be other legal risks if they fail to carry out a fair investigation – for example, discrimination.

Get more advice and support

If you have any questions about investigations at work, you can [contact the Acas helpline](#).

For employers and managers, Acas also provides:

- [training on conducting investigations](#)
- [tailored support for employers](#)
- [free webinars](#) – including on investigations and disciplinary procedures.

2. Step 2: Preparing to investigate

If the employer has decided to investigate a disciplinary or grievance issue, they should start as soon as possible.

This is to make sure they're treating the worker fairly. For example, people might remember a situation more clearly the sooner they're asked about it.

Who can carry out the investigation

The employer should get somebody who's not involved in the case to carry out the investigation, for example another manager or someone from HR. This is to make sure there is no conflict of interest.

If this is not possible, they should try and make the procedure as impartial as they can.

Where possible, the person investigating should also have had training. They should also have a good knowledge of their organisation's policy on investigations. [Acas offers training courses](#) in handling disciplinary and grievance procedures, including courses on conducting investigations.

When choosing an investigator, the best choice will often depend on how serious and complex the case is. For example, if it involves potential gross misconduct, discrimination or bullying. For investigations like this, it might be best to appoint someone more senior or experienced.

External consultants

In exceptional circumstances, it might be appropriate to appoint an external consultant. They can be more detached from the matter and bring an independent view. However, this can cost more and take longer. It should also be in line with company policy.

In a disciplinary case

In a disciplinary case, the employer should think about who will handle matters if further action is needed.

Where possible, a different person should handle each of the following steps of the [disciplinary procedure](#):

- the investigation
- the [disciplinary hearing](#) and [outcome](#)
- the [appeal hearing](#) (if an appeal is raised)

The person handling the disciplinary hearing should have the authority to make a decision on the outcome.

In a grievance case

For a [grievance](#) investigation, it is usually best for the person hearing the grievance to investigate the issue.

Role of the investigator

The role and responsibilities of the investigator should be clearly explained in their 'terms of reference'. These should include:

- what needs to be investigated
- whether they are expected to give recommendations at the end of the investigation
- how their findings should be set out
- who their findings should be reported to

Clear terms of reference can help to:

- complete the investigation quickly
- clarify the investigator's remit
- ensure all key facts are investigated

Making an investigation plan

The employer and the person investigating, if there is one, should start by making an investigation plan.

This can include:

- what needs to be investigated
- who is carrying out the investigation
- 'witnesses' – anyone who needs to be spoken with to find out about the issue
- any sources of evidence – for example work records, emails or CCTV recordings
- any time limits – for example CCTV footage being deleted or staff going on leave
- timeframes
- policies or organisation guidelines to follow
- setting out the importance of confidentiality
- any other relevant points or information

A clear plan can help to:

- make the investigation as quick and easy as possible
- make clear exactly what needs to be done
- make sure the process is full and fair
- maintain good working relationships

Employers and investigators can download and use the [Acas template for an investigation plan](#).

Telling the worker

The employer or person investigating should tell the worker with the disciplinary or grievance issue about the investigation. They should tell them as soon as they decide to start an investigation.

This is unless the employer thinks there is a risk that the worker might tamper with evidence or influence witnesses. In this case, the employer should wait until there is less risk of this.

The employer should explain:

- why they're carrying out an investigation
- who will be carrying it out
- what they're going to do
- that they'll need to talk to any witnesses
- how long it could take
- what will happen next, for example a meeting
- that the meeting is only to establish the facts and is not a disciplinary meeting
- who they can contact if they have any questions or concerns during the investigation – usually the investigator, their manager or HR

Employers can use the [Acas investigation letter templates](#) for:

- disciplinary cases – telling a worker they're the subject of an investigation
- grievance or disciplinary cases – inviting a worker to an investigation meeting

The employer or person investigating should also keep the worker fully informed throughout the investigation. Especially if it's delayed or extended.

Keeping it confidential

An investigation should usually be kept confidential. This can help to:

- reduce any negative impacts to all involved
- maintain good working relationships
- reduce the risk of witnesses discussing or agreeing what their evidence should be
- follow data protection law

It's important to explain the need for confidentiality. However, a worker should be allowed to discuss the investigation with a trade union or workplace representative, where they have one.

An employer should make it clear that if a worker breaches confidentiality, it could lead to disciplinary action.

[Find out more about data protection from the Information Commissioner's Office \(ICO\)](#)

Deciding whether to suspend someone

If there's a serious issue or situation, an employer might consider suspending someone while they investigate.

An employer should consider each situation carefully. Suspension will only be needed in some situations.

If an employer feels they need to suspend someone, it's important to consider:

- alternative options to suspension
- the wellbeing of the person they're thinking of suspending – being suspended can be stressful and affect someone's mental health

[Find out more about suspension during an investigation](#)

Looking after wellbeing and mental health

Being under investigation can be very stressful. So it's important that employers consider the wellbeing and mental health of their workers.

This can help prevent:

- absence
- mental health problems arising
- existing mental health conditions getting worse

For example, the employer should keep in regular contact with the worker. They could also arrange any meetings in a more private and comfortable location if this would help.

[Find more advice on supporting mental health at work](#)

3. Step 3: Carrying out an investigation

In a disciplinary or grievance investigation, the person investigating should do their best to:

- be fair and objective
- follow any policies or guidelines their organisation might have
- get as much information on the case as is reasonable
- not try to prove guilt, but get evidence from both sides
- keep the case confidential

In a disciplinary procedure, the person investigating should be finding out if there is an issue that needs to be addressed. They should not be trying to prove guilt.

How long an investigation needs to take

While an investigation should be completed as quickly as possible, it always needs to be thorough and fair.

Some investigations might take longer depending on the case and how many people need to give information.

For example, a simple case might only take a day to gather enough information. A more complicated case could take several weeks.

Your organisation might have timescales for investigations written in their policy. Otherwise, the employer or person investigating should set a reasonable timescale and tell the worker.

If the employer or person investigating finds that more time is needed, this should be allowed. They should explain any delay to anyone involved and write it in the investigation report.

Getting physical evidence

The person investigating should get all the information they reasonably can and need for the case.

They should work out what physical evidence is needed based on:

- what's laid out in the investigation plan
- what sources of information they can use
- any time limits, for example records getting deleted

The order in which evidence should be collected depends on the matter being investigated.

More evidence might come to light as the investigation goes on, so the person investigating should allow for this.

Types of physical evidence could include:

- emails
- paperwork
- receipts
- computer records
- phone records
- CCTV recordings
- attendance records
- vehicle trackers

The person investigating must consider the ways they can get information and:

- follow the law – for example, on data protection or [employment contracts](#)
- respect the worker's right to privacy

Employers should make it clear if these methods of monitoring are in place and can be used in investigations:

- CCTV
- vehicle trackers
- computer records
- phone calls
- email records

The person investigating should keep a written record of how and why they got any evidence.

[Find out more about data protection from the Information Commissioner's Office \(ICO\)](#)

Searching workers or possessions

An employer or investigator should only carry out a search in exceptional circumstances where it's clearly justified. Even if a contract allows an employer to carry out a search, they will usually need a worker's consent for it to be lawful.

If an employer needs to search someone's desk or locker, they should invite the worker to be there. If they cannot be present, a manager should be present to witness the search.

If a worker refuses to be searched when their contract allows this, it might amount to unreasonable behaviour. It could also prevent evidence being found that could prove their innocence.

However, a worker may have a valid reason to refuse a search. An investigator should consider the reason someone has refused to be searched. They should try to resolve this, rather than assume that a refusal implies guilt.

If an employer believes a criminal offence might have been committed, they may call the police. The police have wider powers to search individuals.

The employer or investigator should record all requests and refusals.

Criminal proceedings

Some matters might also need a criminal investigation. An employer might need to decide whether or not to involve the police.

An employer might need to raise a matter with a relevant authority. For example, an organisation that works with children might have safeguarding procedures. This means the local authority must be informed in certain circumstances.

If criminal proceedings do start, an employer might decide to put their investigation on hold until they have finished. However, if they believe it is reasonable to do so, an employer might still carry out their own investigation.

If an employer does continue with its own investigation, the investigator should be careful not to influence the criminal proceedings.

Considering the evidence

An investigator's role is to establish the facts of the matter. They should consider both the evidence that supports and does not support the allegations.

An investigator should look at all the evidence fairly. They should also consider whether:

- there are any doubts over the credibility and reliability of the evidence
- any new evidence supports or contradicts evidence already collected
- it suggests any further evidence should be collected

Related content

[Training – conducting investigations](#)

4. Step 4: Holding investigation meetings

In both disciplinary and grievance investigations, the person investigating might also need to get information from:

- the worker
- 'witnesses' – other workers involved
- other witnesses, for example clients or customers

In a potential disciplinary matter, an investigator should consider interviewing any workers under investigation at an early stage. Doing this can help to establish which facts are disputed, so the investigator can focus the rest of the investigation on these areas.

If a worker admits the allegations against them are correct, it might not be necessary to investigate the matter as fully as planned. However, their explanation of why the incident occurred might still need to be investigated.

Sometimes, there might be no more investigation or disciplinary action needed. For example if a worker satisfactorily explains a situation.

Before an investigation meeting

Before an investigation meeting with someone, you should:

- let them know in writing – for example, a letter or email
- book a private room, where you are unlikely to be interrupted
- explain the reason for the meeting
- confirm the date, time and location
- tell them if they have the right to be accompanied and how to arrange this
- give them reasonable notice

The right to be accompanied

The 'right to be accompanied' means that by law, a worker can bring a 'companion' to the following meetings:

- in a [grievance procedure](#) – any meetings
- in a [disciplinary procedure](#) – a meeting or hearing that will give or confirm a formal warning or other disciplinary action

In a disciplinary investigation meeting, there is no legal right to be accompanied. But it's good practice for employers to allow it.

What 'companion' means

When a worker has the right to be accompanied, they must choose their companion from one of the following:

- someone they work with
- a workplace trade union representative who's certified or trained in acting as a companion
- an official employed by a trade union

Under discrimination law, employers must make [reasonable adjustments](#) for disabled workers. This might mean allowing someone else to attend, for example a support worker or someone with knowledge of the disability and its effects.

Employers can, but do not have to, allow companions who do not fall within the above categories. For example, some employment contracts might allow for a professional support body, partner or legal representative.

Find out more about the right to be accompanied in the [Acas guide to discipline and grievances at work](#).

During the investigation meeting

At the start of the meeting an investigator should explain:

- who is present and why
- the role of the investigator
- the purpose of the meeting
- the need for confidentiality during the investigation
- a witness statement might be used in an investigation report
- who will see witness statements

A witness statement will usually be a signed copy of the notes from an investigation meeting.

During the meeting an investigator should:

- ask questions to gather the facts
- ask questions in a neutral, non-confrontational way
- record replies and any refusals to reply
- look for evidence that supports the information provided

At the end of the meeting an investigator should:

- check if there is anything else they think is important before ending the interview
- ask if there are other witnesses they think should be interviewed and why
- explain that they might need to be interviewed again
- explain that they will be provided with a copy of their witness statement shortly, for them to check and confirm that it is accurate

Recording meetings

An organisation can record the meeting if its policy allows it and the worker agrees. However, knowing they are being recorded can be intimidating. This might make them less able to talk openly.

In some instances, a worker may ask to record the meeting.

Any decision to record should be agreed by all parties. A covert recording of an investigation meeting might be viewed as a misconduct matter or as a breach of trust and confidence.

If a worker cannot attend an investigation meeting

If a worker is invited to an investigation meeting but they do not attend, the person investigating should rearrange the meeting.

The employer or person investigating should see if it would help to make other arrangements.

For example, if the worker is off with stress and is worried about coming to the workplace, they could hold the meeting somewhere else.

If the worker is too sick, or not able or willing to attend, the person investigating will need to look at all available evidence and make a reasonable decision.

They could also look at:

- the seriousness of the disciplinary or grievance issue
- any rules the organisation has about not attending investigation meetings
- how the organisation dealt with similar cases in the past
- getting a medical opinion on whether the worker is fit to attend the meeting – with the worker's permission

The employer might decide they need to carry on with the investigation without the worker. If they do, they should tell the worker.

The employer should carry out the investigation in as fair a way as possible.

5. Step 5: If there are witnesses

Witnesses can give important evidence that might help decide the outcome of a disciplinary or grievance case.

If witnesses have relevant information, the person investigating can ask them to write a 'witness statement'.

The person investigating can also have a meeting with a witness to ask them what they know or saw. Someone should take notes during the meeting. At the end of the meeting, the witness should sign the notes and these can also form a witness statement.

Taking a witness statement

A witness statement will usually be a signed copy of the notes from an investigation meeting. A witness should be given a copy of their statement to check it is accurate. Once they have checked the document, they should sign the statement to confirm it is accurate.

The person investigating might decide a witness can give a statement without having a meeting. For example, if the witness:

- does not work for the organisation, for example they're a customer or client
- only needs to give very simple information

- is ill and cannot come to an investigation meeting

The person investigating should ask the witness to write:

- their name and, where applicable, job title
- the date, place and time of any relevant issues
- what they saw, heard or know
- the reason why they were able to see, hear or know about the issues
- answers to specific questions, where necessary
- the date and time of writing their statement
- their signature

The witness should have reasonable time to give the statement.

Witness statements taken in a meeting

A witness should be allowed to amend their statement but should sign any amendments they make. If an investigator believes the changes contradict what was said at the meeting, they might note this. They could also include both the original statement and the amended statement in the report.

If a witness refuses to sign their statement, an investigator should try to find out the reason and resolve the issue.

If they cannot resolve it, an investigator should still include the statement in their report. But they should state that the witness refused to confirm that it was an accurate reflection of the meeting.

Talking to a large number of witnesses

If a large number of people witnessed the same incident, the person investigating should:

- talk to some of the witnesses
- check whether they're broadly saying the same thing

The person investigating does not have to talk to all witnesses, unless either of the following apply:

- they feel they're not getting enough information
- there are significant differences in what the witnesses say

Reluctant witnesses

Some witnesses might be reluctant to provide evidence for an investigation.

In this situation, an investigator should:

- explore the reason a witness is reluctant to give evidence
- provide reassurance
- try to resolve any concerns they have

Where possible, investigators should avoid anonymous witness statements. This is so the person under investigation can fairly question any evidence against them.

An investigator should only make a witness statement anonymous in exceptional circumstances. For example, if a witness genuinely fears revenge action. The investigator should explain that if there are legal proceedings, an employer might have to share the names

of anonymous witnesses.

Where anonymity is agreed, the investigator should carry out the interview and take notes as usual. They should then remove relevant parts to prevent identification.

Sharing information and confidentiality

When getting information from a witness, it's a good idea to get their consent to be able to share it if necessary. For example, in case other people working on the investigation need to look at the information.

Sharing witness statements

If an investigation leads to further action, the employer should give the worker who's under investigation a copy of written evidence. This includes witness statements.

If an investigation does not lead to further action, the employer can decide whether to share witness statements. If their organisation has a policy on this, they should follow it.

If an employer does not share the statements, the worker under investigation can ask for them. Workers have a right under data protection law (UK GDPR) to request information their employer holds about them.

If a witness statement could identify a third party

An employer can refuse to share a witness statement if a third party could be identified from it, for example a customer or client. This is unless:

- the third party has given permission for it to be shared
- it would be reasonable to share it in the circumstances

However, an employer should look at alternative ways to share the witness statement. For example, removing names or redacting information.

Accessing information in a report

If someone believes they've been named in an investigation report, they have the right to see any parts that:

- have information about them
- depended on information they gave

They should not be allowed to see private information about other people, unless:

- those people have given permission for the information to be shared
- it's reasonable for the employer to disclose the information anyway

An employer should look at alternative ways to share a report that contains private information. For example, removing names or redacting information.

Keeping records

The employer should keep investigation reports for a while, in case there are any questions in the future. How long they keep reports might be set out in a workplace policy.

If the report includes people's details, the employer should store it securely and only allow access when necessary. Anyone who has access needs to follow data protection law (UK GDPR).

The report should be securely disposed of once it's no longer needed or is out of date. For example, it could be shredded.

[Find out more about data protection and record keeping from the Information Commissioner's Office \(ICO\)](#)

6. Step 6: After an investigation

If the employer or person investigating feels they need more information, they can go back and investigate again.

They should:

- try to do this in reasonable time
- tell the worker about any delays completing the investigation

Making an investigation report

When there's enough information and the investigation is finished, the investigator should have a written report. The employer should share this report with the worker.

If there are concerns about sharing sensitive personal information for data protection reasons, the employer might delete or withhold information if there is good reason to do so.

[Find out more about data protection from the Information Commissioner's Office \(ICO\)](#)

An investigation report should include:

- which facts were established
- which facts were not established
- whether there were any mitigating circumstances that also need considering

If any information is left out, it could make the investigation unfair.

The report should reflect the investigator's own conclusions. An investigator might get advice from HR, but the conclusions should be their own.

Tips for writing an investigation report

When writing an investigation report an investigator should consider who will read the report once it is completed. This will usually include the worker who raised a grievance or the worker under investigation.

To take this into account, the report should:

- be objective
- avoid jargon and explain any acronyms
- stick to the facts
- be concise
- include all evidence collected

Employers can use the [Acas investigation report template](#).

If the employer had a person carrying out the investigation for them, that person can give recommendations for next steps if this was agreed in the [investigation plan](#).

Giving recommendations

If the person investigating is to give recommendations at the end of the investigation, they should recommend one of the following:

- formal action
- informal action
- no further action

Formal action

Formal action could be:

- to start a disciplinary hearing
- changes to an organisation's policy or procedure
- further investigation into other matters that were found

Informal action

Informal action could be:

- training or coaching for parties involved
- counselling for parties involved
- mediation for parties involved
- notification that further similar action might end in disciplinary action

No further action

The outcome of the investigation might be that no further action is needed.

However, the person investigating might still suggest anything that could help the organisation and the people involved, for example:

- counselling
- mediation
- another form of support

Discussing the report

An investigator might need to discuss their report with the person they report to.

The focus of discussion should only be to decide whether any further steps are necessary. The investigator should not discuss what the sanctions might be if disciplinary action is decided upon.

Attending a disciplinary hearing

If a disciplinary hearing is the next step, an investigator might need to attend. However, they should only be there to give facts. They should not be there to give their opinion or present the case against the worker.

Carrying on with the disciplinary or grievance procedure

Now they have more information, the employer should check again if the issue can be resolved informally.

After an investigation, the employer might find there's no evidence to carry on with the disciplinary or grievance procedure. In this case, they should end the procedure and tell the worker there'll be no further action.

The employer might find there's an issue that cannot be resolved informally. In this case they should follow the next steps in the disciplinary or grievance procedure.

Find out more about:

- [the disciplinary hearing](#)
- [the grievance meeting](#)

Get more advice and support

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