

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](#)