

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

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