

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.