



Workforce

Workforce Policies Investigation Process

Guide for witnesses

The following guide forms part of the standard for workforce policies that apply to all staff within NHSScotland regardless of which Board they are employed by.

The NHSScotland [Workforce Policies Investigation Process](#) ¹ ensures that a thorough investigation into an incident or concern is undertaken, before any formal process is considered under the following NHS Scotland Workforce Policies:

- [NHSScotland Workforce Bullying and harassment Policy](#) ²
- [NHSScotland Workforce Capability Policy](#) ³
- [NHSScotland Workforce Conduct Policy](#) ⁴
- [NHSScotland Workforce Grievance Policy](#) ⁵

If you have witnessed an incident or concern which is being investigated, then a manager will inform you that you may be required to participate in an investigation and will ask you to provide a statement.

As a witness you are encouraged to:

- Actively participate in the process to avoid delays
- Be open and honest with the investigation team to ensure facts are established

Investigation Meeting

You will be written to and asked, as a witness, to attend a meeting with the investigation team. The letter will outline the allegation(s) under investigation, and be issued to you at least 7 calendar days in advance of the meeting. You will be entitled to be accompanied at the meeting by a Trade Union representative or a workplace colleague for support. If you are being accompanied by a colleague, they should not have any involvement in the case.

During the meeting notes will be taken; these will not be a word for word record. You will receive a copy of the notes after the meeting and will be asked to confirm their content for accuracy. You cannot add new evidence or further explanation unless this was stated at the meeting. You will normally be given 14 calendar days to confirm the accuracy of the notes. If you do not reply they will be considered an accurate record.

You should be aware that the person(s) under investigation will be provided with all documentation which applies to the allegation(s), including your statement, as part of the investigation process.

If the issue proceeds to a disciplinary hearing the statement and / or notes you provided may be used as evidence. If so, you will be asked to attend a

hearing unless the investigation team and the employee, or their representative, agree this is not necessary. Read to the [formal hearing guide](#)⁶ for more information.

Further information and support

If you need further clarity on the Workforce Policies Investigation Process, then you can seek confidential advice and support from:

- Your line Manager
- Trade Union Representatives
- Human Resources
- [Confidential contacts](#)⁷

Confidentiality

All workforce policy processes are subject to strict confidentiality. You should not, therefore, discuss the case with anyone except your representative either before, during or after. Any breach of confidentiality will be investigated. This may lead to action being taken under the conduct policy. In some cases it may lead to legal proceedings.

Given the need for confidentiality as a witness you are not entitled to know the outcome of the investigation or any formal hearings under the NHSScotland Workforce Policies.

Maintaining relationships

There is an expectation that people will continue to work together during an investigation wherever possible. Your manager should offer appropriate support to enable this to happen.

Failure to engage

There may be occasions where you feel unable to attend an investigation meeting. Where this is for health reasons, Occupational Health advice will be obtained to consider when you will be in a position to do so or if there are alterations to the process which can be made to support your attendance. If you intend to be supported by a Trade Union representative or colleague then the availability of all parties will be checked to agree a suitable date. If your representative is unavailable, further dates will be agreed to allow the meeting(s) to happen. In all other circumstances witnesses are expected to participate in line with the expectations of their contract of employment and, where appropriate, their professional code.

References

¹ NHSScotland Workforce Policies Investigation Process

<https://workforce.nhs.scot/policies/workforce-policies-investigation-process-overview/>

² NHSScotland Workforce Bullying and Harassment Policy

<https://workforce.nhs.scot/policies/bullying-and-harassment-policy-overview/>

³ NHSScotland Workforce Capability Policy

<https://workforce.nhs.scot/policies/capability-policy-overview/>

⁴ NHSScotland Workforce Conduct Policy

<https://workforce.nhs.scot/policies/conduct-policy-overview/>

⁵ NHSScotland Workforce Grievance Policy

<https://workforce.nhs.scot/policies/grievance-policy-overview/>

⁶ Formal hearing guide

<https://workforce.nhs.scot/supporting-documents/guides/formal-hearing-guide/>

⁷ Guide to confidential contacts

<https://workforce.nhs.scot/supporting-documents/guides/bullying-and-harassment-policy-guide-to-confidential-contacts/>