



# Workforce

## **Workforce Policies Investigation Process : guide for employees**

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](#) <sup>1</sup> 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](#) <sup>2</sup>
- [NHSScotland Workforce Capability Policy](#) <sup>3</sup>
- [NHSScotland Workforce Conduct Policy](#) <sup>4</sup>
- [NHSScotland Workforce Grievance Policy](#) <sup>5</sup>

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

- A Manager
- Trade Union Representatives
- Human Resources
- [Confidential contacts](#) <sup>6</sup>

## Pre-investigation

The first part of the process is called the Pre-Investigation Stage. At this stage the manager must determine the risk of the concern or incident, and take immediate action to ensure your safety and that of others, the environment and any physical evidence that would be required to assist the investigation.

When your manager considers the risk, it may be necessary to alter your duties or place of work for a period of time or provide additional supervision. In some cases it may be necessary to [suspend](#) <sup>7</sup> you from your duties, depending on the nature of the risk.

Your line manager will meet with you to advise that a concern has been raised, an investigation is being arranged and to offer support. Your manager will advise you that you can provide a statement of your understanding of what took place should you wish. A summary of the discussion from this meeting will be confirmed to you in writing within 7 calendar days, by the manager that you met with.

The manager who has been appointed to carry out the investigation will write to you to confirm who the investigation team are, and agree a date for an initial meeting. It may be appropriate for your line manager to carry out the investigation themselves. After this meeting, the investigating manager will provide a provisional timescale for completion of the investigation.

As an employee 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
- Consider the position of any complainants and witnesses as well as your own
- If you are a member of a Trade Union seek advice from a representative
- Identify any potential witnesses or information relevant to the investigation

## **Investigation**

You will be written to and asked to attend a meeting with the investigation team. The letter will outline the allegation(s) under investigation and you will be provided with any documentation relating to the allegation(s). This will be issued to you at least 14 calendar days in advance of the meeting.

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.

The situation may require further investigation including additional interviews with relevant witnesses. You may be invited to a further meeting before completion of the investigation.

## **Findings of the Investigation**

Following consideration of all the evidence presented, the Investigating Manager will prepare a report. They will consider:

- the evidence provided by the employee under investigation and any witnesses
- the physical evidence (if applicable)
- conflicting evidence
- why the investigating manager has accepted a particular line of evidence
- reasons for the findings in fact and recommendations
- previous sanctions given – these might be for the same or similar reasons

The investigation report should be submitted within 21 calendar days of the completion of the investigation. Your manager will then meet with you as soon as possible to confirm the findings of the investigation and any further action to be taken under NHS Scotland Workforce Policies. Your manager will also offer appropriate support. The outcome of this meeting will be confirmed to you in writing within 7 calendar days.

The 3 potential findings following the investigation are:

- the allegation is not upheld
- the evidence and / or nature of the complaint justifies learning outcomes which may fall within the [NHSScotland Capability Policy](#) <sup>3</sup>
- the evidence justifies referral to a formal panel under the relevant NHSScotland workforce policy

## **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 or represented then the availability of all parties will be considered, to agree a suitable date. If your representative is unavailable, further dates will be agreed to allow the meeting(s) to happen. Where you decide not to attend and there is no reasonable explanation for this, you will be offered a second meeting and if you fail to participate, the investigation will be concluded based on the information available.

## **Grievances / Bullying and Harassment Complaints / Counter-complaints**

Where an employee raises a grievance, bullying and harassment complaint or counter-complaint during the investigation process, the investigation may be temporarily suspended in order to deal with the grievance or complaint. Where the grievance or complaint and matters under investigation are related, it may be appropriate to deal with both issues concurrently.

## References

<sup>1</sup> NHSScotland Workforce Policies Investigation Process

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

<sup>2</sup> NHSScotland Workforce Bullying and Harassment Policy

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

<sup>3</sup> NHSScotland Workforce Capability Policy

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

<sup>4</sup> NHSScotland Workforce Conduct Policy

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

<sup>5</sup> NHSScotland Workforce Grievance Policy

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

<sup>6</sup> Guide to confidential contacts

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

<sup>7</sup> Conduct Policy : guide to suspension

<https://workforce.nhs.scot/supporting-documents/guides/conduct-policy-guide-to-suspension/>