Disciplinary Policy Guidance – Investigating Officer (IO)

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Action	Supporting information
Familiarise yourself with the Disciplinary Policy	The Disciplinary Policy must be read in conjunction with this guidance.
Confirm that you are available to be the IO and that you have no **conflict of interest** in the case	You need to be available to carry out the investigation in a reasonable time frame and to attend any subsequent hearing. If you are scheduled to be away for a significant number of days on leave or at events etc. over the next 1-4 weeks you probably will not have suitable availability to carry out and write up the investigation. Check that you do not have any conflicts of interest that would prevent you investigating the case objectively. If so, advise the HR Case Manager who approached you about the role at the earliest opportunity. Check the Conflict of Interest Policy for guidance.
Familiarise yourself with what has happened so far and/or any facts available	Find out the basic facts known at this point or gather any available factual evidence e.g. timekeeping records.
Plan for the investigation	The investigation should be carried out as swiftly as possible so start to think about how many people you might need to interview and what time you can free up in your diary to do so. Block out time for interviews. You may need to offer alternative timeslots in case the employee or witnesses are not free at the first time you suggest. The employee should make themselves available wherever possible but there may be some appointments they cannot reschedule e.g. if they are timetabled to teach, running a clinic, at a pre-booked training event etc. You can get **advice and support from an HR Case Manager.**
Invite the employee to an investigation meeting	You must **invite the employee in writing** and give reasonable notice of the meeting (normally at least two working days). Your invite must advise the employee that they can be accompanied by a **companion**, normally a TU rep or workplace colleague. A companion may also be someone to support the employee if they have particular needs e.g. if the employee has a disability or if English is not their first language. This companion may be in addition to a TU rep or workplace colleague. The companion cannot be a lawyer. The employee must tell you in advance of the meeting if they are bringing a companion, and who this will be.

	The employee will advise you if they need an **adjustment** for the meeting e.g. if they need a hearing loop. You must organise any adjustments requested or seek advice from your HR Case Manager. You must ensure there is a **note taker** at the meeting. It can be helpful to meet the note taker in advance to give them any useful information e.g. it might help them to be familiar with names, job titles, acronyms, technical terminology etc. that are likely to be discussed. Alternatively provide the note taker with a written summary of the key details of the case e.g. names, job titles, terminology etc. You are not required to have an HR representative at investigatory meetings but, if it would be helpful, your HR Case Manager can offer advice and support outside of the meetings.
Hold the investigatory meeting	Start by making introductions and explaining your role. Let the employee know that the notes of the meeting will be part of your **investigation report**. Explain that the notes will not be a verbatim account but a summary of the discussion. Ask the employee to explain what has happened from their point of view. Ask open questions and do not make judgements during your meeting. It can be helpful to have glasses of water and tissues at investigation meetings. If the employee has a companion with them, they can take notes, set out the employee's case and speak to the employee during the meeting. The companion should not answer questions on behalf of the employee. Close the meeting by explaining what the next steps will be i.e. when the employee will hear from you, how they will be contacted by the Chair if matters progress to a hearing etc.
Carry out any further investigation	Decide if you need to interview any **other witnesses** or gather any more information e.g. review records or documents. If a **witness is unavailable** and waiting for their availability will cause delay to your investigation they can submit a statement instead. Refer to the template letter to make contact with a witness about a statement. You must let the employee know if you need to carry out additional investigation and how long you think it is likely to take. You must keep the employee **updated** if it is taking longer than originally anticipated. Send an email to confirm the likely timeframe of your investigation.

Interview witnesses	If you decide to interview any witnesses you must **invite them to a meeting in writing**. A witness may have a companion with them but you should not reschedule your meeting if their companion is unavailable as this will delay your investigation. Make sure you tell any witnesses you interview that the information they provide will be typed up in summary form and that the agreed statement will form part of your **investigation report**. Confirm that the report will be seen by the parties dealing with the disciplinary case and with the employee involved - make sure they know who these parties are. Witnesses will be able **to review and agree the notes** after their interviews. A companion can take notes and speak to the witness during the meeting. The companion should not answer questions on behalf of the witness.
Liaise with note taker	The note taker will send you a draft copy of the notes of all meetings, normally within two calendar days. You may amend them if there are any details that have not been recorded accurately e.g. spellings, terminology. You cannot change the substance of what a person said during the meeting, including your own comments. Agree with your HR Case Manager how the notes will be sent to the employee and any witnesses and timeframe for receiving back any comments or amendments. If the employee or witnesses return the notes with additional comments you should include these when you submit your report. They should not be adding new information or re-writing what they said so the original notes should not be amended if you do not agree with their comments. **Final copies of the notes must be included in your report**.

Compile a report of your findings and decide if there is a case to answer	Compile a report using the **investigation report template**, summarising your findings Include notes of interviews in your report and any other documentation you have gathered e.g. email correspondence. If you are concerned that there are data protection issues speak to your HR Case Manager to determine if any information should be redacted e.g. if an email mentions information about an unrelated third party. You must decide if you believe the employee has a **case to answer** i.e. you believe there is sufficient evidence of misconduct and that a disciplinary hearing should take place. You must not make any reference to what sanction you deem appropriate; this is for the disciplinary panel to decide. If you don't think there's a case to answer you should confirm this in your report. **Send a copy of your report, including all documentation gathered, to your HR Case Manager.** If you believe there is a case to answer **submit your report to the manager who has been appointed to Chair the Disciplinary Hearing and the HR Case Manager supporting the case**. If you are not sure who the appointed Chair is contact your HR Case Manager.
Write to the employee confirming the outcome of your investigation	You must **write to the employee** as soon as possible once your report is complete to confirm that: • You have concluded they have a case to answer and that they will be invited to a disciplinary hearing by the person appointed to chair the hearing. The letter will confirm that the Chair will send them a copy of your investigation report. Or • You have concluded there is not a case to answer and the issue is closed. You may recommend other actions if you think it would be helpful e.g. training. (You do not need to send a copy of the report to the employee if there is no case to answer.) Copy the letter to the assigned HR Case Manager.

Attend Disciplinary Hearing	The Chair will invite you to the Disciplinary Hearing where you will **present your findings** and answer questions that the panel and employee may have. Make sure you have your report with you. You will have at least one calendar week's notice of the hearing. Review and remind yourself of your findings so that you can provide a summary and are prepared for questions you may be asked at the hearing. Speak to your HR Case Manager if you need further information about what the hearing will entail.
Be aware of Data protection and Subject Access Request **requirements**	Information relating to a disciplinary case should be held in line with the University's Retention Schedule. This includes any email correspondence and not just formal letters that you have sent. Remember that an employee may make a subject access request to see data about their case which will include any emails between you and your HR Case Manager or any other person you correspond with about the case. Therefore, be prepared that any of your correspondence may be seen by the employee.

Guidance for setting up and hosting meetings and hearings remotely

If you plan to hold a meeting/hearing remotely please read this section in conjunction with other relevant sections of the procedure.

Action	Supporting information
Prepare for the meeting/hearing	Set up the meeting via **Microsoft (MS) Teams**. Information about hosting and joining MS Teams meetings is available here. If the employee does not have access to a PC or MS Teams contact your HR Case Manager to consider alternatives. Make sure you invite all the relevant parties including a note taker. Check if the employee has a **suitable environment** where they can attend the meeting/hearing in private. Be aware that they may normally work in a shared space e.g. if they live in a flat with others. If they don't have a suitable environment liaise with your HR Case Manager to see if there are any alternatives. E.g. could a space be found for them in a designated building on campus for the duration of the meeting (subject to appropriate H&S requirements)? Be aware that attendees may have particular needs in order to participate in the meeting/hearing via MS Teams e.g. if they have a hearing or visual impairment. The employee should let you know if they require any **reasonable adjustments** to take part. Discuss with your HR Case Manager if special arrangements need to be made. Please refer to the Reasonable Adjustments Policy for further information. Advise the employee in advance if you are likely to **deviate from the normal procedural format** e.g. if you will not be giving the outcome of the hearing on the day.
Pre- meeting	You should have a meeting with other panel members/HR Case Manager prior to your meeting/hearing with the employee. If you hold the pre-meeting directly before the meeting/hearing with the employee, it is best to do this as a **separate meeting.** This ensures that you

	cannot be interrupted or cut short if the employee or companion 'arrive' earlier than expected. Alternatively use the **lobby room** function to allow the employee and companion to join the meeting/hearing when the panel is ready. Information about hosting MS Teams meetings, privacy guidance and lobby areas can be found here.
Establish familiarity with technology	It is possible that the employee may have limited experience of MS Teams meetings. At the start of the meeting/hearing establish how familiar they are with **technical functions**. If they are not familiar, walk them through functions such as how to mute their microphone, raise a hand etc.
Meeting etiquette	If you are chairing the meeting/hearing establish basic rules at the start. These should include: • Everyone should be on mute unless speaking • Raise a hand if need to make a point • The note taker should be off camera after introductions • Everyone else to keep cameras on unless there are connectivity issues • The meeting cannot be recorded either through MS Teams or other devices e.g. mobile phones • If an adjournment is required everyone will leave the meeting and return at an agreed time. Share a **running order/schedule** for the meeting/hearing so that everyone understands when it will be their turn to speak or answer questions. If the **chat function** is to be used, remind everyone that any comments will form part of the record of the meeting/hearing. (Note - this means these comments would be subject to FOI/SARs.)

Progress of meeting/hearing	You may have to **adapt** how the meeting/hearing progresses to take account of the remote circumstances. Agree with the employee at the start if you are likely to deviate from the normal procedural format. e.g. It might feel more appropriate not to adjourn for an unspecified time while you decide the outcome of the hearing and then call the employee back. If all parties are agreeable, you can confirm that the employee will be **notified in writing** within the timescale specified in the policy.

Letters and templates:

(The following templates are available from your **HR Case Manager)**

2. Notice of Investigation meeting – employee
3. Confirmation of Investigation meeting outcome – case to answer
4. Confirmation of Investigation meeting outcome – no case to answer
11. Letter issuing notes of meeting/hearing

A. Investigation Meeting Script Template
B. Disciplinary Investigation Report Template