Grievance Policy Guidance – Investigating Officer

Click on the section you require, and you will be taken directly to the correct section of this document.

Contents

Familiarise yourself with the case 2
Availability and conflict of interest 2
Plan for the investigation 2
Invite the complainant to an investigation meeting 2
Confidante 3
Notify the respondent of the grievance 3
Hold the investigatory interview with complainant 4
If the complainant has made a serious allegation about a traumatic event 5
Carry out any further investigation 6
Interview the Respondent 6
Liaise with note taker 7
Compile a report of your findings 8
Notify the complainant and respondent when investigation concluded 8
Attend Grievance Hearing 8
Data protection and Subject Access Request requirements 8
Letters and templates 9

Action	Supporting information
Familiarise yourself with Grievance Policy and the Grievance Form	Read the full Grievance Policy including appendices so that you are clear of the requirements for all parties. Read carefully the Grievance Form that has been submitted by the complainant.
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 do not have suitable availability for the role. Check that you do not have any conflicts of interest that would prevent you investigating the case objectively. If so, advise the assigned HR Case Manager at the earliest opportunity. Check the Conflict of Interest Policy for guidance.
Plan for the investigation	The investigation should be carried out as **swiftly** as possible so think about how many people you might need to interview and if you can free time up in your diary. Block out time for interviews. If the complainant has raised a grievance about another person (the **respondent**) you will need to interview them. If the complainant has named **witnesses** consider that you may need to interview them. Be aware that the respondent may also suggest witnesses that should be interviewed. You should **interview the complainant first**, then the respondent and then any witnesses or others who have relevant information. You may need to offer alternative timeslots in case anyone is not free at the first time you suggest. You can get advice and support from your HR Case Manager.
Invite the complainant to an investigation meeting	You must invite the complainant **in writing** to an investigation interview and give reasonable notice of the meeting (normally at least two working days). Advise them 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. 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 you can agree with your HR Case Manager if it would be helpful or your HR Case Manager can offer advice and support outside meetings.
Confidante	During the grievance process the complainant or respondent may decide not to have a companion at meetings but they would like support from a colleague. They are allowed to have a designated confidante who they can talk to who is from the workplace. The confidante **cannot be a witness** in the case and they must keep all information confidential. The confidante cannot be from the HR function. The complainant or respondent must tell you the name of the person they have asked to be their confidante. You must record this in your **investigation report**.
Notify the respondent of the grievance	If the grievance is about another person (the respondent) they **must be told** that a complaint has been raised. **Confirm with your HR Case Manager** that this has been done. The respondent's manager should normally tell them that a grievance has been raised but in some cases another person may have been assigned this task. Once the respondent has been notified you must send them a **copy of the Grievance Form** submitted by the complainant. This

	would normally be a hard copy sent to 'addressee only' but the respondent may prefer an electronic copy. Ensure it is sent in the correct way to ensure **confidentiality**. This should be discussed when they are notified about the grievance. The respondent should also be advised that they will have the opportunity to respond to the grievance in an interview with you. Use the **template** letter when sending a copy of the grievance form.
Hold the investigatory interview with complainant	You must invite the complainant **in writing** to an investigation interview and give reasonable notice of the meeting (normally at least two working days). **If the complaint relates to a serious traumatic event see also section below**. It can be helpful to have glasses of water and tissues at investigation meetings. Meetings **cannot be recorded** (unless as an adjustment for a disability). Let the complainant know that the notes of the meeting will be part of your investigation report and will be seen by the respondent. Ask the complainant to explain their grievance and the **outcome** they are seeking. Ask open questions and do not make judgements during your meeting. Plan for the meeting to ensure that all relevant questions are asked. Be realistic about how much **time** it might take the complainant to talk through their issues, particularly if it is a sensitive case e.g. harassment where they may get upset and need a break. In some instances, it may take a few hours to work through the grievance. If the complainant gets upset it is a good idea to suggest a **short break** and agree to return after a specified period and continue if the complainant feels able to. If the grievance is quite straight forward and does not appear to involve sensitive issues you can indicate at the start how long you expect the meeting to take e.g. up to one hour which can help the complainant to focus on the main issues. Keep the discussion to the points that the complainant outlined in their grievance form. If the complainant brings up additional

	issues you should remind them of the points raised in their grievance form and that they need to focus on those areas. If the complainant 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**. At the end of the investigation interview meeting, it is good practice to ask the complainant if they have any further information to share that is relevant to their grievance. This will ensure that you capture all the relevant information in your investigation report. Advise the employee what will happen next e.g. • That they will receive a copy of the notes of the meeting to check • That you will be interviewing other individuals • That you will be reviewing documents or data If you are able to, indicate **how long** you think the investigation may take to manage expectations. Keep the complainant **updated** if the investigation takes longer than you initially anticipated. Confirm that you will produce a **report** of your findings that will be passed on to another manager who will be appointed to **Chair** a Hearing of their Grievance. Explain that the Chair will send them a copy of the report when they are invited to the hearing. Confirm that the **complainant will also receive a copy** of the report.
If the complainant has made a serious allegation about a traumatic event e.g. sexual harassment	If the grievance relates to a **serious allegation** that has caused **trauma** you must carry out your interview with great sensitivity. Be aware that a victim of trauma **may not be able to recall** events fully or in a logical order. Adjust your questions to reflect that they may find remembering events fully very difficult e.g. • 'What can you recall about what happened?' You may need to **meet more than once** if the complainant is finding events difficult to talk about. Confirm that you will conduct the meeting at the pace of the complainant and you can meet again if needed.

	Do not make judgements based on how you think a person ought to have behaved at the time. Not everyone feels able to react or complain at the time a traumatic event occurred. Remember that if a person has suffered trauma their coping mechanism at the time may have been to **'freeze'** i.e. to be passive or compliant. **Ask them about what happened** but not why they didn't behave/react in a certain way. At the end of the meeting thank the complainant for taking the time to explain what happened. Explain what will happen next in the process.
Carry out any further investigation	**Interview the respondent** if applicable and **other witnesses** or others who can provide helpful information. Plan for the meeting to ensure all relevant questions are asked. Make sure you tell the respondent and witnesses that the information they provide will be typed up and form part of your investigation report. Confirm that **the report will be seen** by the parties dealing with the grievance and with the complainant. The respondent/witnesses will be able to review and agree the notes of their own meetings after their interviews. **Do not suggest that the information can be kept confidential.** Review documents or data relevant to the case. Keep the employee **updated** if the investigation is taking longer than originally anticipated. Send an email to confirm the likely timeframe of your investigation.
Interview the Respondent	You must interview the respondent. Invite the respondent **in writing** to an investigation interview and give reasonable notice of the meeting (normally at least two working days). The respondent may have a **companion** with them. A companion can take notes and speak to the witness during the meeting. **The companion should not answer questions on behalf of the respondent.** The meeting cannot be recorded (unless it is an adjustment for a disability). Let the respondent know that the notes of the meeting will be **part of your investigation report** and will be seen by the complainant.

	You should either ask the respondent to summarise their response to the grievance in full or it may be helpful to ask more specific questions to keep the interview focussed. Be prepared that the respondent may be angry and/or upset about the complaint and be sensitive to the situation. It can be helpful to have glasses of water and tissues at investigation meetings. If the respondent is very emotional suggest a short break before continuing with the interview. The respondent may suggest names of **witnesses** or others who may have pertinent information. If so, take full details about the involvement of these individuals so that you can decide whether or not they need to be interviewed. The respondent may pass you additional information or documentation e.g. email correspondence which you should consider as part of the investigation. Advise the respondent what will happen next e.g. • That they will receive a copy of the notes of the meeting to check • That you will be interviewing other individuals • That you will be reviewing documents or data If you are able to, indicate **how long** you think the investigation may take to manage expectations. Confirm that you will produce a **report** of your findings that will be passed on to another manager who will be appointed to **Chair** a Grievance Hearing. Confirm that they will be sent a copy of the report by the Chair.
Liaise with note taker	The note taker will send you a draft copy of the notes of each meeting, normally within two calendar days. Make sure you agree that the discussion has been captured accurately in the notes. You may amend the notes 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 complainant, respondent and any witnesses and timeframe for receiving any comments or amendments. **Final copies of the notes must be included in your report**.

	If anyone adds comments to the notes you should include these when you submit your report. The individuals 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.
Compile a report of your findings	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. Liaise with your HR Case Manager about passing the report to the manager who has been appointed Chair of the Grievance Hearing.
Notify the complainant and respondent when investigation concluded	Confirm to the complainant when your investigation has been completed using the template letter. Advise that they will receive a copy of the investigation report from the Chair of the Hearing and that the respondent (if applicable) will also receive a copy. Confirm to the respondent (if applicable) that your investigation has been completed, using the template letter.
Attend Grievance Hearing	The Chair will invite you to the Grievance 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. The aim of the hearing is finding a resolution to the grievance. You will have at least one calendar week's notice of the hearing. Make sure you are prepared to summarise your findings and answer any questions.
Be aware of **Data protection** and **Subject Access Request** requirements	Information relating to a grievance case should be held in line with the University's Retention Schedule. This includes any email correspondence and not just letters about the outcome of the grievance. Remember that an employee may make a **subject access request** to see data about their case which will include any emails between you and HR and anyone else you correspond with about the individual or the case. Therefore, you must be prepared that any of your correspondence may be seen by the employee.

Letters and templates:

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

1. Invite to investigation – complainant
2. Invite to investigation – respondent
3. Invite to investigation – witness
4. Completion of investigation – complainant
5. Completion of investigation – respondent

16. Letter issuing notes of hearing

- Investigation Script Template – complainant
- Investigation Script Template – respondent
- Investigation Script Template – witness
- Grievance Investigation Report Template