



Little Strides

Investigation Procedure



Aim of Policy

The company operates an investigation procedure alongside its disciplinary procedure. The purpose of the separate investigation procedure is to allow management impartially to investigate any alleged or suspected misconduct on the part of an employee. The objective will be to establish all the facts of the particular case before a decision is taken as to whether or not there are proper grounds to invoke the disciplinary procedure.

When the investigation procedure will be invoked

The investigation procedure will normally be used only when an employee is suspected of committing an act of serious misconduct or act in serious breach of any of the company's policies, procedures or rules. It will not normally be used in cases of minor misconduct, which should instead be dealt with directly and promptly by the individual's line manager.

Similarly, where the matter is routine or straightforward, there will be no need to conduct a separate investigation (for example if the problem relates to repeated poor timekeeping and the line manager has a clear record of the dates/times when the employee arrived to work late).

The investigation procedure should not be used in cases of perceived unsatisfactory job performance as the company's performance improvement procedure will be applicable in these circumstances.

Who will carry out the investigation

It is the company's policy that, where the disciplinary procedure is invoked following an investigation, the individual who carries out the disciplinary procedure will not be the same person as the individual who conducted the investigation.

Normally it will be the employee's line manager who will conduct an investigation, but the company reserves the right to nominate any other person to conduct the investigation where it considers this to be appropriate.

Timescales

The individual conducting the investigation is responsible for ensuring that all necessary steps are taken promptly and without any unreasonable delays. The company would normally expect a disciplinary investigation to be completed within two weeks. In exceptional or complex situations it may take longer and approval from external agencies may need to be obtained prior to commencing.

There may be instances where suspension with pay is necessary while the investigation is carried out. This may be because, for example, working relationships have broken down or there is a risk to others or the company or responsibilities to other parties. Suspension with pay will be imposed only after careful consideration and will be reviewed to ensure that it does not become unnecessarily protracted. It is not an assumption of guilt or a disciplinary penalty in itself. It will be used as a last resort. Consideration will also be given to non-childcare contact or partial suspension and whether or not the employee can continue with some of their duties.

Any decision to suspend will be confirmed in writing within five working days and such written confirmation will state that the suspension is precautionary, not disciplinary, in nature pending the outcome of the investigation and any subsequent disciplinary proceedings.

The investigation procedure

In investigating an employee's alleged misconduct, the individual will:

- examine any relevant written records, for example previous disciplinary warnings, appraisal reports, and managers' notes;
- check whether there are any earlier warnings that have not expired;
- consult any other managers with whom the employee has come into contact to help establish relevant facts;
- talk privately and in confidence to any employees who may have evidence relating to the employee's alleged misconduct or who may have been witness to any relevant incident, and produce an accurate written summary of any such evidence;
- seek the consent of any such employee to use the summary of the evidence so collected as a signed written statement;
- conduct an investigation interview with the employee, making sure that the employee knows that the purpose of the interview is to establish the facts and that the interview is not part of the company's disciplinary procedure; and
- take an objective and balanced view of any information that comes to light, and avoid allowing personal views, opinions, and likes or dislikes to influence the assessment of the employee's conduct.



Investigation interview with the employee

The employee may be invited to attend an investigation interview with the individual who is responsible for the investigation or where necessary, engage in a telephone/video conference call.

Where an investigation interview is held with the employee, the individual conducting the interview will, on completion of the interview, produce a written record summarising the information given by the employee.

The right to be accompanied

The statutory right to be accompanied by a fellow worker or trade union official does not apply to interviews that are purely investigation in nature.

Following the investigation

At the conclusion of the investigation, the individual conducting the investigation will decide whether or not it is appropriate to instigate disciplinary action against the employee. As soon as possible after the conclusion of the investigation (where possible within 7 working days after the conclusion of the investigation), the company will inform the employee in writing as to the outcome.

Where it is decided to instigate disciplinary action, the employee will be given full details in writing of the case against them and invited to attend a disciplinary hearing. Details of the company's full disciplinary procedure are available from line management.

Witness statements

Where disciplinary proceedings are instigated following an investigation and where evidence about an employee's alleged misconduct has been obtained from third parties in the form of written statements, either the statements themselves or a summary of their content will be given to the employee. However, the company reserves the right to conceal the identity of any or all of the parties if there is a legitimate reason to do so, such as where there may be a risk to the safety of others if the identity of witnesses is disclosed.

In those circumstances, the company will consider providing a summary of the information to the employee.

Records

Full records of the disciplinary investigation will be held confidentially by the company for the duration of any disciplinary proceedings:

- If the disciplinary proceedings result in a formal warning, the records of both the investigation and the disciplinary proceedings will be held for the same duration as the warning, in accordance with the time periods for warnings defined in the company's disciplinary procedure.
- If the disciplinary proceedings result in dismissal, the records will be held for a period of 12 months after termination of the employee's employment (unless there is a specific reason to retain the records for a longer period of time).

Data protection

The company processes personal data collected during disciplinary investigations in accordance with its data protection policy. In particular, data collected as part of the investigation stage is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the disciplinary procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the company's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the company's disciplinary procedure.

Review date	Name	Position	Signature
Sep 2022	Nicola Reed	Head of Childcare & Training	N Reed