

# I have to attend an investigation meeting

PROBLEMS CAN ARISE in any workplace and making sure they are dealt with fairly and consistently may require an investigation. A properly conducted investigation allows an employer to fully consider the matter and make an informed decision on it.

Common situations that will often require an investigation include:

- a grievance from an employee
- allegations of bullying and harassment
- potential disciplinary matters against an employee

This guidance is primarily concerned with the third of these - potential disciplinary matters against an employee.

## *What is an investigation?*

- An investigation is a fact-finding exercise to collect all the relevant information on a matter. This matter – in a disciplinary context – is likely to be an incident or an allegation (of misconduct).

## *Who carries out an investigation?*

- The employer will appoint an investigating officer. Ideally, the investigating officer should not be, or have been, involved in the issue being investigated.

### Important

If you require UNISON representation at any disciplinary hearing following on from the investigation, **you must have been a member at the time of the incident**; you cannot join just to get representation.

Our advice is to join UNISON now so you are always covered in these rare individual circumstances but, more importantly, because increased membership density helps us put into practice procedures through collective representation that can prevent some disciplinary issues occurring.

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- The investigating officer does not have to be an employee of the organisation you work for.

### *What is the investigating officer's role?*

- An investigating officer should be given clear guidance on what exactly they are required to investigate, and how their findings should be reported.
- The investigating officer should gather and document what the issues of the matter are, consider what evidence may be available and relevant, and how it may be collected.
- Their investigation should aim to establish the facts of the matter by collecting relevant evidence, such as witness statements, written documents and physical evidence and drawing a conclusion.
- An investigating officer should try to be fair and objective when carrying out an investigation. They should look for evidence that supports and undermines the allegations.
- The investigating officer will make a recommendation to the employer about whether they think there is 'a case to answer' and if a disciplinary hearing is necessary.
- Normally, the investigating officer should not be involved in any subsequent decision making on the matter (this may not be possible in very small organisations)

### *How will I be informed I am under investigation?*

- You should be informed in writing of the allegations against you and that an investigation will be carried out. You should be notified of who to contact if you have any questions during the investigation. This is typically the investigating officer, your manager, or HR.
- Your employer may decide to suspend you from work during the investigation stage. For more details see our guide [I've been suspended from work](#).

### *Will I be invited to an investigation meeting?*

- Unless the investigating officer immediately sees that allegations are false or spurious, it is most likely you will be invited to a meeting.

- The invite should be by letter and include
  - the date, time and place of the meeting
  - the name of the investigator and what their role is
  - the reason for the meeting
  - an explanation that the meeting is only to establish the facts of the matter and is not a disciplinary meeting
  - a request to keep the reason for the meeting, and any discussions that take place, confidential
  - whether there is a right to be accompanied to the meeting (see below)
  - that it may be a disciplinary issue if they unreasonably refuse or fail to attend the investigation meeting.

### *Do I have the right to be accompanied?*

- There is no legal right to be accompanied by a trade union representative at this meeting although this does occur in some procedures. However, the representative cannot at this stage defend you, as there is nothing yet to defend – it is an impartial investigation. Therefore, in the majority of cases, the UNISON representative will advise you rather than physically attend.
- Your employer may allow a work colleague to attend; this will be detailed in your employer's handbook or rules and policies.
- If you only use English as a second language and have some difficulty in either understanding or expressing yourself, you should mention this as a reason to your employer why you want to be accompanied.
- If you suffer from a disability under the Equality Act 2010, please discuss with your UNISON representative at an early stage so any access requirements can be worked out. (Access requirements could include a reasonable request to be accompanied depending on your disability).

### *What happens at the investigation meeting?*

- An investigation meeting must never turn into a disciplinary meeting. The investigator must not use phrases such as "I don't believe you" or "That's not true, is it?" Their role is to investigate – impartially – not accuse. In the unlikely event this happens, you should make sure it is recorded by the note taker and then tell the investigating officer you are going to immediately contact your UNISON representative for advice and that you are suspending the meeting.

- There should be a note-taker present (some organisations like to record meetings although they must ask your permission to do this). Again, if it is a small organisation, a separate note-taker may not be available but notes should still be taken. It should be possible to read the notes before you leave the meeting to check their accuracy.
- The investigating officer, through questioning, should give you the opportunity to 'put your side of the story' in response to any allegations or an acknowledged incident. Even if they use a series of 'closed questions' [Who was there? What time was that? etc], you should be given the chance to 'have your say'. This may be through an 'open question' like "is there anything more you'd like to say?"

### *Is there anything I should or shouldn't say at the investigation meeting?*

- Take advice from your UNISON representative beforehand but, generally speaking, stick to the facts and anything else relevant to the matter in hand.
- Although you will obviously be concerned and possibly angry, don't lose your temper with the investigator – they are not making the allegations.
- If the person making an allegation against you has done so before or has a history of making allegations against work colleagues, let the investigating officer know.

### *What happens following the investigation meeting?*

- The investigating officer will complete their fact-finding and produce a final report. (Occasionally, there may be a need for you to attend a second interview. This may be because the investigating officer needs to check something from the first meeting, or another interviewee has said something which necessitates an answer from you).
- If the investigating officer recommends no further action is necessary, that should be the end of the matter and you should be informed accordingly.
- If they believe there is 'a case to answer', it is most likely this will result in a disciplinary hearing. You should inform your UNISON representative immediately and read our guide [I have to attend a disciplinary hearing](#).

### *General tips*

- It is not essential you inform UNISON you have been invited to an investigation meeting but early warnings of potential problems ahead certainly don't harm. You

can report this by calling the branch office on 01629 582266 or completing the contact form on our website [derbyshireunison.com](http://derbyshireunison.com)

- If you have a personal email address, ask your employer to email you any official documentation regarding the investigation. You may not have access to a photocopier (if you are suspended) and this is the easiest way of getting any necessary details to your UNISON rep.
- If you know what the allegation or incident is about, write yourself some notes while they are fresh in your mind. These could be useful at the investigation meeting.