



University of  
St Andrews

## Investigation

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<b>Purpose</b>	This document confirms the process to be followed when an investigation is required.

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1.2	Clarified student complaint process (Section 3)  Amendment to conclusion (Section 6)	Published	Lisa Stewart HR	07/12/2022

- British Sign Language (BSL) users can contact the University via the online BSL Video Relay Interpreting Service: <https://contactscotland-bsl.org>.
- This document is available in an alternative format upon request.
- We encourage all employees to access the [Investigation Procedure webpage](#) which includes a range of FAQs regarding the investigation process and lists the documents/guidance referred to in this policy.

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## 1. Statement

- 1.1 Where a concern, complaint, allegation or grievance is raised, the University will usually conduct an investigation under this procedure. This procedure aims to ensure that investigations are carried out promptly and in a fair and reasonable manner. It is intended to cover all investigations including, but not limited to, matters relating to discipline, grievance, dignity and respect at work, gender-based violence and capability.
- 1.2 There are several ways to formally report unwanted and unacceptable conduct and behaviour to the University. The University recommends using [Report & Support](#) where reports can be submitted with contact details (identifiable) or anonymously (unidentifiable). Alternatively, employees can raise matters to their line manager, Human Resources (HR) and/or by following the procedures in the appropriate policy e.g. [Grievance](#), [Dignity & Respect at Work](#), [Gender-based violence](#).

## 2. Purpose

- 2.1 The purpose of an investigation is to establish the facts of the matter, collect and consider evidence that supports and challenges the allegation(s), decide if there is a case to answer, and recommend actions.

## 3. Scope

### 3.1 University employees

- This procedure applies to all University employees and members of the University community who have raised a concern/complaint or been asked to participate in an investigation e.g. the subject of the investigation or as a witness.

### 3.2 Employee complaint involving a student

- If an employee raises a complaint regarding a student, the investigation process will usually be conducted by the [University Student Conduct Officer](#). The employee should report the matter using [Report & Support](#) or, if preferred, contact their line manager or the Student Conduct Officer directly ([discipline@st-andrews.ac.uk](mailto:discipline@st-andrews.ac.uk)).

### 3.3 Employee complaint involving an external party

- If a complaint relates to an external party supplied by an external agency, supplier, auditor or any third-party company e.g. an attendee at an internal/external event, the University will transfer the matter to the agency/company to manage on behalf of the University. The employee should report the matter using [Report & Support](#) or, if preferred, contact their line manager or [HR](#) directly.
- It will be the responsibility of HR to notify the external agency/company of the complaint and ensure appropriate support is provided to the employee who has disclosed the matter. It will be the responsibility of that agency/company to investigate and conclude matters as appropriate in line with their existing policies. Depending on the outcome, the University reserves the right not to engage the services of that individual or company again.
- Any external party who has a complaint regarding a member of the University community should raise the matter via the University's [Complaints Handling Procedure \(CHP\)](#).

### 3.4 Student complaint regarding an employee

- Any student complaint regarding an employee may be directed through the [Complaint Handling Procedure](#), however any investigation into the complaint will be undertaken with assistance from HR in accordance with this procedure. Any complaint investigated that amounts to misconduct may lead to action taken under the [Disciplinary policy](#). Students should report the matter using [Report & Support](#) or, if preferred, contact [Student Services](#) directly.

## 4. General principles

- Investigation meetings may take place face to face or virtually via Microsoft Teams.
- The Investigation Manager will normally give at least 2 working days' notice to take part in an investigation. These timings can vary depending on the circumstances e.g. a meeting may be required immediately due to the severity or may be delayed due to availability of an accompanied person (TU representative or work colleague).
- All members of the University community are required to participate and cooperate with any investigation that they may be involved in or witness to. This is a reasonable expectation of anyone who may have information that could assist an investigation. Any individual who unreasonably refuses to follow a request to participate in an investigation without a legitimate reason in doing so may be subject to disciplinary action being taken against them.
- All parties involved in an investigation have an obligation to maintain confidentiality and not disclose any information discussed or shared with others. Breaches to confidentiality will be taken seriously and may be subject to disciplinary action being taken against them.
- The University reserves the right to conduct a general investigation if a case does not naturally align to a specific policy at the outset, and/or revert to a different policy during or after an investigation should there be evidence to support this and it is deemed appropriate to do so. This will only be undertaken on the advice and guidance of [HR](#).
- The University does not condone the making of electronic or digital recordings of meetings or telephone calls without all-party consent. Further information on the recording of meetings can be found in the [Guidelines on Recording of Meetings involving University Staff and Students](#). Instead, notes will be taken to summarise the key points. These are not intended to be a verbatim record.
- If there are any concerns or possible conflict of interest regarding the Investigation Manager, this should be raised by the employee to the Investigation Manager, HR representative or a Trade Union representative on the outset of the investigation.
- If many people are witness to the same incident, the Investigation Manager is not required to interview all individuals. The Investigation Manager is required to do what is reasonable and proportionate to gather the necessary information.
- If an employee fails to attend an investigation meeting and provides no legitimate reason for non-attendance, it could be viewed as a refusal to obey a reasonable request and may result in disciplinary action.

- In grievance cases, where investigation is required, the grievance manager is the investigator and the decision-maker. The [Grievance policy](#) should be referred to for information on this procedure.
- Where the employee subject to the investigation requests to see evidence during an on-going investigation, they will receive details of the allegation(s) but not any witness statements or meeting notes.

## 5. Procedures

### 5.1 Instigating an investigation

5.1.1 Where informal resolution is not practical or possible, and it is likely that an investigation will be required, the matter should be brought to the attention of the [HR Business Partner \(HRBP\)](#) for the School/Unit for advice and guidance. This will be of particular importance if:

- there is a suspected/claimed breach of a policy, University regulation or procedure.
- the matter is of a sensitive nature and is unlikely to be resolved informally.
- this is not the first time that this issue (or similar) has occurred.
- the matter is of a serious nature.

5.1.2 HR will appoint an Investigation Manager to conduct the investigation as soon as possible and will normally attend investigation meetings to provide procedural support and advice to all parties and guidance to the Investigation Manager as required.

5.1.3 HR will provide a summary of the matter/nature of the investigation to the Investigation Manager prior to commencing the investigation. HR will also provide the Investigation Manager with an [Investigation Action Plan](#) which they can then use to assist them in preparing for the investigation.

5.1.4 An Investigation Manager shall carry out as much investigation as is reasonable in the circumstances of the case and should be proportionate to the matter under investigation. Investigation timelines will vary, dependent on the circumstances of the case. While an investigation should be completed as quickly as practical, the main priority is to ensure that the Investigation Manager focuses their attention on what is likely to be important and relevant. Any delays to the investigation should be explained to those involved and included in the conclusion/report.

5.1.5 Additional [guidance](#) has been developed to support Investigation Managers with conducting investigations.

### 5.2 Appointing an Investigation Manager

5.2.1 This individual should:

- be at least the same level as the employee being investigated.
- be impartial, objective and have had no prior involvement in the case.
- be available during the period of investigation to ensure no undue delays.
- ensure that they have adequate time out with other work priorities to manage the case.
- not be involved in any subsequent decision making on the matter. (The exception to this is grievances, where the investigation manager is also the decision-maker.)

### 5.3 Investigations that may warrant a criminal investigation

- Some matters under investigation may warrant a criminal investigation. In these cases, the Investigation Manager should escalate the matter to the [Director of HR](#) (or appropriate delegate) and a decision will be made on whether to postpone the investigation pending the criminal proceedings or continue. If it is deemed reasonable to do so, the University may still carry out its own investigation if this does not impact on any criminal investigation or prejudice the criminal proceedings. Any decision regarding this will be made by the Director of HR (or appropriate delegate).

### 5.4 Suspension

- Suspension with pay may be considered at any point where the allegations against an employee are sufficiently serious/alleged serious misconduct; however, this should only be considered after other alternatives (e.g. temporarily relocating the employee or assigning alternative or restricting existing duties) have been explored and should always be a last resort. Suspension is not an assumption of guilt; it will not prejudice the outcome, nor is it a disciplinary sanction.
- The decision to suspend will normally be made by the Head of School/Unit in consultation with an HR representative. In some cases, during an investigation, the Investigation Manager may recommend to the Head of School/Unit that reconsideration is given to suspend an employee(s), if for instance evidence comes to light which may alter the original decision. Further information regarding the suspension process can be read in the [Disciplinary Policy](#) and on the [Disciplinary webpage](#).

### 5.5 Notification to attend an Investigation meeting

#### 5.5.1 Subject of the investigation

- The investigation meeting will be convened by sending an invitation to the employee, usually electronically. The invitation will be sent by HR and will indicate the logistics of the meeting (date, time and location), confirm that the person can be accompanied, provide a brief summary of the allegation(s) or, in the case of a grievance, normally a copy of the employee's grievance submission, and confirm who the Investigation Manager will be.
- An investigation should only be initially concealed if there is a valid reason for doing so such as in cases where an employee might be able to influence witnesses or tamper with evidence. It may also be necessary to delay notification of a grievance to those accused until after the complainant has been interviewed to confirm the scope of the investigation.

#### 5.5.2 Relevant parties

- The investigation meeting will be convened by sending an invitation to the relevant parties, usually electronically. The invitation will normally be sent by HR and will indicate the logistics of the meeting (date, time and location), provide a reason for the meeting, and confirm who the Investigation Manager will be.

## 5.6 Conducting the investigation

### 5.6.1 Investigation meeting

- This is an opportunity for the Investigation Manager to meet with an individual who is involved in, or has information on, a matter under investigation. The Investigation Manager may choose to re-interview individuals in order to clarify areas of contradictory information if appropriate or if new facts come to light during the investigation which warrant further discussions. Investigation Managers can use the [Investigation meeting structure](#) guide to help navigate these discussions.

### 5.6.2 Witness statements

- It may be appropriate in some circumstances that a witness statement is provided without the requirement for an investigation meeting. Whilst this is not normally the recommended approach, it may be the appropriate method to gather data in certain situations such as: if a witness is not an employee of the University; when the facts required from a witness are limited and straightforward; where a note of what happened is needed immediately before memory fades; or where a witness is unable to attend an investigation meeting, for instance due to illness or being on research leave. The Investigation Manager should provide a reasonable deadline for completion and ask the witness to answer specific questions to ensure the statement includes a detailed description of the matter under investigation.
- During an investigation, witness statements are confidential. The release of witness statements only occurs if the University is required to present the full case against an employee, i.e. if disciplinary action is recommended.

### 5.6.3 Written records and documentation

- The Investigation Manager should collect any documentation that may be useful to establish the facts of the matter such as meeting notes, email correspondence and any previous warnings related to the allegations under investigation. The Investigation Manager should speak with HR about sourcing access to relevant data.

### 5.6.4 Other evidence

- The Investigation Manager should consider if there may be other forms of evidence such as CCTV footage, computer files, and phone records relevant to the investigation. Such records should only be sought and used where it is necessary to do so, and no less intrusive methods of investigation are available. The Investigation Manager must consult with the [Head of Information Assurance and Governance](#) who will advise whether a request is consistent with the University's obligations to uphold Data Protection laws and compliant with the [Regulations governing the use of University ICT facilities policy](#).

### 5.6.5 New issues come to light during an investigation

- If a new matter comes to light during an investigation, the Investigation Manager will incorporate the new allegations into the existing investigation (if appropriate) and update the [Investigation Action Plan](#), unless it would make the investigation overly burdensome or unduly complicated. The Director of HR (or appropriate delegate) will advise in these circumstances.

### 5.6.6 Anonymous witness statements

- There may be circumstances where a witness wishes to remain anonymous or refuses to be involved in an investigation for fear of reprisal. While anonymity cannot be guaranteed, it may be considered in circumstances where there is a real or pertinent fear/threat of harm or danger, and the witness has legitimate grounds for that belief. Where anonymity is requested, the witness should be made aware that the Investigation Manager will attempt to keep witness statements and interview notes anonymous as far as possible. Should the matter result in legal proceedings, anonymity is unlikely to be sustained. Any anonymous documents must contain enough detailed information to allow the Investigation Manager to obtain independent corroboration of the facts. Investigation Managers should always seek the advice of HR if anonymity is requested.

### 5.6.7 Confidentiality

5.6.7.1 The University aims to keep information confidential to the maximum extent possible and information will only be shared with others on a need-to-know basis. Sharing of information, however, is required in some circumstances. For instance:

- Where applicable, the complainant's identity and the nature of the allegations must be revealed to the person alleged to be causing the offence so they can appropriately respond to the allegations.
- Some details may have to be provided to potential witnesses (if applicable). However, the importance of confidentiality will be emphasised to all individuals involved in the investigation and, if breached, may result in disciplinary action.
- Line managers may need to be provided with information to enable them to support the employees involved, or allow time off for investigation meetings. They may also be provided with information as a result of the recommendations outlined in the [conclusion](#).

5.6.7.2 All employees have a duty to maintain a safe and equitable workplace. As such, any report that raises a concern for the safety of any individual (whether or not a member of the University) may require police or external authority intervention. The University will not usually report a matter to the police or other external authorities without employee consent; however, in exceptional circumstances, the University may exercise their right to pass information on.

5.6.7.3 If the decision is taken to share information with the police, the Director of HR (or appropriate other) must document this decision and the reasons for taking it, and inform the person who disclosed the matter of the reason why confidentiality cannot be contained and of the steps that will be taken upon reporting to the police (or other external authority).

5.6.7.4 Any questions or concerns about data protection or information disclosure should be referred to the [Head of Information Assurance & Governance](#).

## 6. Conclusion

6.1 The Investigation Manager must confirm, in writing, the outcome of the investigation. It is usual practice for the Investigation Manager to summarise their findings and recommend an outcome usually in the form of an [Investigation Report](#) however, this may not always be required for [Grievance outcomes](#).

6.2 While an Investigation Manager may seek advice from HR, the conclusion will be their own. The Investigation Manager must ensure that the report is objective and concise, and



the recommended action is based on the evidence collated. The report/conclusion should cover:

- material facts that were/were not established;
- mitigating circumstances that require consideration;
- relevant written and physical evidence gathered;
- action to take forward upon conclusion of the report.

### 6.3 **Grievance outcomes**

- For grievance matters (as the grievance manager is also the decision-maker), a report is not required, unless there is a recommendation for any matters to be considered further under the Disciplinary policy as this would be required for the Disciplinary panel. Instead, the employee will receive a detailed outcome letter which will establish the facts of the investigation and the rationale for the decision.

### 6.4 **Disciplinary outcomes**

- In the case of disciplinaries, the Investigation Manager should make a recommendation taking into consideration the information they have established during the investigation. There are three common outcomes that the Investigation Manager must consider, namely: formal action e.g. the Investigation Manager recommends the matter progresses to a formal hearing (discipline); informal action; no further action.

6.5 During an investigation, the Investigation Manager may identify other issues that, while outside the scope of the investigation, may still require action. The Investigation Manager should document these for review and consideration in the final report (disciplinaries) or via email to HR (grievances).

### 6.6 **Communicating the outcome**

6.6.1 In the case of grievances, the complainant and the accused will receive an outcome letter with a summary of the findings and any recommendations to resolve the matter.

6.6.2 Where the investigation results in the decision to proceed to a Disciplinary Hearing, the subject of the disciplinary will be issued with an invitation to a hearing including all of the evidence gathered as part of the investigation.

6.6.3 Where applicable, the person who raised the complaint will be informed that formal action has been recommended. However, the outcome of the Disciplinary Hearing will not be shared with the complainant or any other relevant parties involved in the investigation and disciplinary process e.g. Investigation Manager/witnesses in order to protect confidentiality.

6.6.4 The outcome of the investigation will be held confidentially within HR.

### 6.7 **Final steps**

6.7.1 The investigation report/conclusion must be submitted via email to the HR representative assisting with the investigation to store securely. Once the report is submitted, this will effectively conclude the role of the Investigation Manager. If the case proceeds to a Disciplinary Hearing, the Investigation Manager may be called to present their findings although in some cases, the written report in itself may be sufficient.

## 7. Support and advice

- 7.1 The University recognises that individuals who are required to participate in an investigation process may feel anxious about the process and therefore the University is committed to providing support and assistance for all individuals in these circumstances. [Appendix A](#) provides a list of internal support available to employees.

## 8. Version control

- 8.1 This procedure is not contractual and may be amended by the University from time to time.
- 8.2 This document will be reviewed periodically in conjunction with the recognised Trade Unions. Any employees who have questions about the procedure or would like to request changes to the document should direct these to their [HR Business Partner](#).

Version number	Purpose / changes	Document status	Author of changes, role and school / unit	Date
1.0	New document.	Published.	Lisa Stewart HR	16/03/2022
1.1	Added in an example of alternatives to suspension at 5.4.	Published.	Lisa Stewart HR	09/08/2022
1.2	Clarified student complaint process (Section 3)  Amendment to conclusion (Section 6)	Published	Lisa Stewart HR	07/12/2022

## Appendix A: List of internal support

Name of Department	Contact details	Service provided
<b>Chaplaincy</b>	<a href="https://www.st-andrews.ac.uk/chaplaincy/">https://www.st-andrews.ac.uk/chaplaincy/</a> (Tel) 01334 462866 (E-mail) <a href="mailto:chaplaincy@st-andrews.ac.uk">chaplaincy@st-andrews.ac.uk</a>	The Chaplaincy provides guidance and support to all students and staff regardless of their faith or philosophy of life.
<b>Equality and Diversity</b>	<a href="https://www.st-andrews.ac.uk/hr/edi/">https://www.st-andrews.ac.uk/hr/edi/</a> (Tel) 01334 461649 (E-mail) <a href="mailto:diversity@st-andrews.ac.uk">diversity@st-andrews.ac.uk</a>	Provides a confidential service of advice to individuals (staff, students, visitors) on any aspect of ED&I.
<b>Human Resources</b>	<a href="https://www.st-andrews.ac.uk/hr/">https://www.st-andrews.ac.uk/hr/</a> (Tel) 01334 463096 (E-mail) <a href="mailto:hr.general@st-andrews.ac.uk">hr.general@st-andrews.ac.uk</a>	Provides support to employees of University of St Andrews. <ul style="list-style-type: none"> <li>• HR website and <a href="#">policy page</a></li> <li>• Dedicated <a href="#">HR Business Partner</a> team for each School/Unit</li> </ul>
<b>Occupational Health</b>	<a href="https://www.st-andrews.ac.uk/ehss/occupationalhealth/">https://www.st-andrews.ac.uk/ehss/occupationalhealth/</a> (Tel) 01334 462750 or 01334 462752 (E-mail) <a href="mailto:occhealth@st-andrews.ac.uk">occhealth@st-andrews.ac.uk</a>	Employees can refer themselves to OH for confidential health advice at any time. <ul style="list-style-type: none"> <li>• One-to-one consultation/appointments</li> <li>• Expert support and advice provided</li> <li>• Recommended adjustments to support the employee</li> <li>• Partnership with external health practitioners i.e. counselling services and CBT.</li> </ul>
<b>Information Assurance and Governance</b>	<a href="https://www.st-andrews.ac.uk/terms/data-protection/">https://www.st-andrews.ac.uk/terms/data-protection/</a> (E-mail) <a href="mailto:Dataprot@st-andrews.ac.uk">Dataprot@st-andrews.ac.uk</a>	Provides details of and can explain what rights an individual has and does not have in terms of access to their personal data and to other information held by the University.
<b>Student Services</b>	<a href="https://www.st-andrews.ac.uk/student-services/">https://www.st-andrews.ac.uk/student-services/</a> (Tel) 01334 462020 (E-mail) <a href="mailto:theasc@st-andrews.ac.uk">theasc@st-andrews.ac.uk</a>	Employees can contact Student Services for any student related guidance, support or advice. <ul style="list-style-type: none"> <li>• Open Monday to Friday; 09:30am to 16:30pm</li> <li>• <a href="#">Student Services</a> bespoke web page</li> </ul>
<b>Trade Union Representatives</b>	<a href="https://www.st-andrews.ac.uk/staff/wellbeing/workplace-wellbeing/#tradeunions">https://www.st-andrews.ac.uk/staff/wellbeing/workplace-wellbeing/#tradeunions</a>	Trade union representatives are trained to deal and support employees with any workplace related matters of concern.
<b>Wellbeing</b>	<a href="https://www.st-andrews.ac.uk/staff/wellbeing/">https://www.st-andrews.ac.uk/staff/wellbeing/</a> (Email) <a href="mailto:wellbeingforstaff@st-andrews.ac.uk">wellbeingforstaff@st-andrews.ac.uk</a>	