

Why the need for Investigation Standards is more important than ever

by Tim Kingsbury

Let's just imagine someone at your workplace has made a formal complaint alleging misconduct, perhaps of bullying or harassment, which has to be investigated.

Employees, if the complaint was made against you, wouldn't you want to be confident the investigation was going to be conducted fairly and impartially? That the investigator has had some experience and relevant training in investigation skills? And that your side of the story would be taken properly into account?

Managers and employers, you know this is a potential risk area. How confident are you that your investigation and any subsequent decisions at a disciplinary hearing based on it will stand up to scrutiny should an ET application follow?

Investigations can go wrong, and when they do the consequences can be devastating for the individuals involved and very costly also for the organisation. Salford Royal NHS Trust found itself in the Court of Appeal in 2010, following an ET application for unfair dismissal. The employee's appeal was upheld and her dismissal was ruled unfair because a conflict in the evidence arose at the disciplinary hearing, but was not tested or scrutinised properly. The hearing process was also flawed.

This case is just one example that illustrates the importance of ensuring investigations are thorough and robust, and are conducted impartially so that all the relevant evidence is secured, and managers can make soundly-based and fair decisions.

We here at CMP Resolutions have long been championing the need for standards for workplace investigations. Dr Helge Hoel of the Manchester Business School, a leading academic researcher in the field of bullying and harassment in the workplace, has recently endorsed our 'Best Practice Standards for Investigations into Grievance and Disciplinary Investigations'©, welcoming them as being: **"an excellent and comprehensive set of standards for investigating employee complaints"**.

He is clear about the benefits for organisations in adopting these standards:

“those directly involved in the process, i.e. complainants, alleged perpetrators and witnesses, are likely to receive a fair and impartial hearing of their cases, something that cannot be taken for granted. Moreover, from the organisation’s point of view, ensuring that fair processes are in place should assist in providing closure and should positively influence employee commitment, whilst at the same protecting against potential detrimental consequences in terms of resorting to the courts and damage to the organisation’s reputation.”

For more information about what the Standards cover, and why they matter for today’s workplaces, view the CMP White Paper ‘Investing in workplace investigation: why having standards will achieve better results’.



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CMP Resolutions work to Close, Manage and Prevent disputes at work through skills development, mediation and investigation services.

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