Appendix B: Managing a disciplinary investigation

1. Initiating an Investigation

1.1. Where it is suspected or alleged that an employee has acted in a way that could lead to formal disciplinary action being taken an Investigating Manager, normally a senior member of the Faculty/Division\(^1\), should be appointed to investigate the facts of the allegation/complaint. The Investigating Manager should not normally be the employee's line manager, the line manager of any person making a complaint or someone who works very closely with the individual concerned or the person making a complaint. The capacity of the proposed Investigating Manager to undertake the investigation promptly should be ascertained, or other work reprioritised to enable them to do so.

1.2 A relevant member of HR Advisory Services who will be the HR Advisor must be contacted by the manager initiating the investigation to provide advice and support in investigating a disciplinary matter.

1.3 The nature and extent of the investigation will depend on the seriousness of the concerns. It is important that the investigation is sufficiently prioritised so that the report is completed promptly, whilst maintaining sufficient rigour. If there is no disagreement concerning the facts of the case because the employee admits misconduct, further investigation may not be necessary before a disciplinary hearing is arranged.

2. Conducting an Investigation

2.1 The Investigating Manager’s role is to establish the facts of the alleged misconduct case so that it can be determined whether there is a disciplinary case to answer. S/he should investigate all aspects of the allegation.

2.2 An employee should be informed promptly, normally within five working days, in writing by the Investigating Manager that an investigation is being undertaken and given the opportunity to respond to the allegation. As part of the investigation the employee who is the subject of the allegation will normally be invited to an investigatory interview. The employee must be notified of the meeting so s/he has reasonable time to prepare for it. The investigation will also include the collation of evidence for a possible hearing, taking statements from and usually meeting with relevant parties, including where appropriate, any witnesses to the alleged incident(s)

\(^1\) In some cases, for example under UCL policies on Public Interest Disclosure or when investigating allegations of Fraud or Financial Irregularity or Misconduct in Research, or suspected abuse of UCL’s Computing Regulations it will be appropriate for an Auditor, senior Information Systems Manager or a senior Security Manager to assist with the investigation or act as the Investigating Manager.
of misconduct. Any witness to the alleged misconduct may be required to make a signed and dated written statement as soon as possible after the investigation meeting.

2.3 The Investigating Manager may be accompanied by a colleague from HR Advisory Services at such meeting(s) to provide advice and guidance. The employee concerned may be accompanied at such meeting(s) by a companion (as defined in section 4.7 of the policy). Witnesses do not have the right to be accompanied at these meetings as they are not the subject of the investigation. Where the employee against whom a disciplinary allegation has been made is a trade union representative, the Director, HR Advisory Services will (after obtaining the employee's agreement), inform a senior member of the relevant UCL Branch Committee in advance of any interview under this procedure².

2.4 Once the investigation has been completed the Investigating Manager will prepare a report on the findings of his/her investigation for the attention of the Head of Department. There may be exceptional circumstances where the identity of the person making the complaint will not be revealed as part of the investigation report i.e. where someone's welfare may be put at risk. A draft template for an Investigation Report is attached at Annex 1.

2.5 The Head of Department will then consult with an HR Advisor (who is not the advisor to the Investigating Manager) to determine whether or not a disciplinary hearing is required based upon the findings of the investigation. If it is agreed that no disciplinary hearing is required the employee should be advised accordingly. Where the investigation concludes that there is a potential case to answer a formal disciplinary hearing should be convened. If the Head of Department considers that it is not appropriate to convene a formal disciplinary hearing, but that informal advice or guidance is appropriate, any resulting discussion should take place under the informal procedure.

² In the event that a disciplinary allegation is made against a senior member of a UCL Branch Committee (i.e. the UCU President, Vice-President, immediate Past President or Branch Secretary; the UNISON Chair, Vice-Chair, Secretary or Assistant Secretary; the Unite Chair, Vice-Chair, Secretary or Assistant Secretary), the Director, HR Advisory Services will inform the relevant Regional Officer after gaining the employee's consent. In the case of all other trade union representatives, the Director, HR Advisory Services will inform the Secretary of the relevant UCL Branch Committee after gaining the employee's consent.
Confidential Investigation Report

This template report format is for guidance purposes only; and may be changed to reflect the individual circumstances/needs of a case.

<table>
<thead>
<tr>
<th>Department:</th>
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<tbody>
<tr>
<td>Allegation/Issue</td>
</tr>
<tr>
<td>Type of Investigation e.g. Disciplinary/Grievance etc</td>
</tr>
<tr>
<td>Name/Job Title of employee(s) subject to investigation</td>
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<tr>
<td>Name of complainant (if appropriate)</td>
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<tr>
<td>Investigator (s)</td>
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<tr>
<td>HR Advisor</td>
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</tbody>
</table>

Background
This may cover:
- How did the issue come to light?
- Have any other actions been taken prior to the investigation?

Remit Of The Investigation
This may cover:
- What specific allegations/concerns (by bullet points) were investigated?

Investigation Process
This may cover:
- A brief description of method(s) used to gather information.
- A record of what interviews/statements were undertaken and documents reviewed.

Findings
This should cover:
- A summary of findings and observations for each specific allegation/issue of concern investigated, cross-referencing any documentation where needed.

### Conclusions

This may cover:

- For each concern/allegation investigated an overall opinion based 'on the balance of probabilities' on whether there is evidence to support allegations made
- Recommendations on whether further actions under the relevant employment procedure should be taken

### Appendices

- These should be attached and may include witness statements, investigatory interview notes, chronology of events etc.

Signed by Investigating Officer

Date