ERAGAS HR Investigator Resource

1. Introduction

This resource provides school governors and headteachers with practical guidance on conducting HR investigations fairly, objectively, and in line with policy. It covers planning, interviewing, reporting, and presenting findings. Exemplar templates are provided within this resource - governors and headteachers should contact their own School's HR advisor to get advice and confirm if there are specific resources available to them.

2. Roles, Responsibilities and Purpose

Roles

- **The Investigator:** Responsible for leading the investigation and preparing the report.
  (Dependent on HR policy – this could be the HT or Chair of Governors unless there is a requirement for a further identified suitably skilled governor to undertake the role.)

- **Commissioning Manager:** Takes advice from HR and Legal Services to provide scope of investigation to Investigator and oversees process integrity
  (Dependent on HR policy – this could be the HT or Chair of Governors unless there is a requirement for a further identified governor to undertake the role.)

- **HR (and Legal) Support:** Provides advice and ensures compliance. They will inform you if there is an opportunity to submit the draft report for supportive overview prior to formal release.

- **Companion:** May accompany the employee as per policy. The employee has a right to be accompanied by a Union representative or work colleague.

Please review the relevant HR policy for more information on formal stages:

- **Formal Hearing Panel:** Headteacher or 3 untainted governors

- **Appeals Panel:** 3 untainted Governors

Responsibilities

ACAS recommends the role and responsibilities of the investigator should be clearly explained in their 'terms of reference', which this guidance refers to as the "investigation brief". These should include:

- what needs to be investigated
- whether they are expected to give recommendations at the end of the investigation
- how their findings should be set out
- who their findings should be reported to

A clear term of reference (investigation brief) can help to:

- complete the investigation quickly
- clarify the investigator's remit
- ensure all key facts are investigated

Terms of Reference (investigation brief) are essential because they define the scope, purpose and boundaries of an investigation, ensure roles and responsibilities are clear, promote fairness and consistency, and provide a transparent and defensible framework for decision-making. Having clear Terms of Reference (TOR) is fundamental to ensuring a lawful, fair and robust investigation process.

Purpose of an investigation

Once the nature and scope of the HR process is known, an investigation is usually necessary to:

- gather evidence from all sides
- find out find out what is most likely to have happened (on the balance of probabilities)
- make sure everyone is treated fairly
- enable Manager/a panel to make decisions and recommendations to the school on what should happen next

3. Investigation Process Overview

- Receive investigation brief from Commissioning Manager.
- Planning the investigation (interviews, evidence).
- Conduct interviews.
- Write the report.
- Present at the hearing.

- **Receive Investigation Brief from Commissioning Manager**

Investigator will receive Investigation brief from Commissioning Manager outlining scope of investigation.

- **Planning the investigation**

a) Review the investigation brief: objectives, allegations, standards breached

Investigator Advisory Note:

- Record all your actions on the investigation log (see Appendix 1) from the start of the process.
- Ensure you have read and are following all relevant HR policies and guidelines and are aware of timescales that may need to be met.
- Seek HR/Legal advice appropriately.

b) Identify witnesses and order of interviews

Investigator Advisory Note:

- Use the investigation plan template (see Appendix 2) which will help with the below.
- Note any allegations, versions of events, potential policy breaches and other aspects that need corroboration and evidence.
- List any people you will need to speak with during the investigation.
- Plan the necessary interviews with those named or accused in the submission, any witnesses, and other relevant people, to hear their version and views.
- Take HR/Legal advice to confirm if interviews should be clerked/recorded, and where necessary liaise with your governance professional.
- The interviewee should agree with the transcript/minutes of the interview.
- Log all investigatory actions on the actions log as you undertake them (see Appendix 1)

c) Gather documentary evidence

Investigator Advisory Note:

- Use your investigation plan and action log appropriately.
- Ensure all evidence gathered is carefully labelled, logged and stored for future reference.

d) Undertake a reasonable investigation

Investigator Advisory Note:

- Conduct of a reasonable investigation – as thorough as reasonably possible in the circumstance.
- Allow the employee to respond to the matters under investigation and consider any further lines of enquiry following their interview

- **Conducting Interviews**

Investigator Advisory Note:

- Please ensure that you consult with your HR/Legal advisor on confidentiality and retention of notes before starting interviews.
- Use open questions first, then funnel to details. See Appendix 3 for exemplar question resource.
- Keep structure consistent across witnesses.
- Be aware that these may be emotional and challenging for all interviewees. Be ready to take a break where needed and to allow space for emotions and feelings.
  (Triple A: Acknowledge, Accept, Act).
- Avoid bias and maintain confidentiality.
- The interviewee should agree with the transcript/minutes of the interview.
- All parties should be made aware that any witness statements/interview notes may be disclosed as part of the process.
- If you are concerned that there is a safeguarding risk or a breach of the law, please contact HR/Legal advisor for help and guidance. They may provide you with necessary signposts for relevant organisations.

- **Writing the Report**

An exemplar report template has been provided in Appendix 4.

Investigator Advisory Note:

- Ensure that the report is clear, concise, objective and avoids jargon.
- Consider opportunities to submit the draft report for supportive overview to HR/Legal Services advisor prior to formal release to the Commissioning Manager.
- Please check the appropriate HR policy for clarity on role and responsibilities to ensure that the report is released to the appropriate commissioning manager.

- **Presenting at a Hearing**

Investigator Advisory Note:

- Prepare thoroughly: know your bundle.
- Present scope and key findings, not the entire report.
- Respond calmly to questions.
- Manage nerves and remain factual.
- Please note that any party could request an adjournment at the hearing.

Templates & Tools

Appendix 1 – Exemplar Investigation Log Template
Appendix 2 – Exemplar Investigation Plan Template
Appendix 3 – Exemplar Questions Sheet
Appendix 4 – Exemplar Report Template

Appendix 1 - INVESTIGATION LOG

To be completed throughout the investigation by the investigating officer

DATE	TIME	ACTION	ACTION/COMMENTS
		e.g. Given investigation paperwork – read and organised	
		e.g. Booked interviews with the following: • *XX – Insert Date and Time* *I have also read all the documents supplied to me, so I am fully informed of the investigation*	
		XX Suggested he feels that further interviews should take place, of XX and XX	*Scope of interview reconsidered and determined that sufficient evidence available from interviews/ evidence gathered already.*
		e.g. Emailed manager to confirm fortnightly progress	
		e.g. Organised interview with xx *Wrote letter to xx* *Booked rooms and org Notetaker for XX date*	
		Writing report	
		First draft of report presented to HR and manager. Further exploration required *Called xxx to confirm about CCTV* *Called XX to arrange another meeting*	

APPENDIX 2 - INVESTIGATION PLAN

Investigator: Name, Job Title, (Authorised by <Lead Manager>)
HR Advisor supporting:
Background:

Objective(s) of investigation:

Relevant section of the Code of Conduct or policy the subject of the alleged actions / breached:

Analysis of initial complaint / concern to identify all potential lines of enquiry:

Who needs to be interviewed?				**Key Questions / areas to explore**	**Date of Interview**
Name	Job title / Location	Telephone Number	Why do they need to be interviewed?		• Book a room • Notetaker? • Is venue suitable • Ask if any special requirements • Any adjustments required
				Why would you not pursue a particular line of enquiry	
				What are the risk factors to be considered- how will these be mitigated?	

Resources / Documents Needed/ Obtained	**Where to access/ obtained from**	**Why? (consider evidence)**	**Date obtained**

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APPENDIX 3 – EXEMPLAR QUESTIONING RESOURCE

Dos and Don'ts for Questioning All Parties

As you try to uncover the truth during your investigation, you want to use the least effort to gather the largest quantity of useful details. No matter who you're interviewing, you need to go into the meeting with the right attitude and approach.

Everyone has personal biases. It's your job to recognize your own biases and take them into account. This takes a great deal of self-awareness and self-control, but an excellent investigator has both of these qualities.

Keep these dos and don'ts in mind when asking your HR investigation questions.

Do thank the employee. The interviewee took time out of their day to help with the investigation, and in some cases, they might be nervous about participating. Before questioning them, thank them for coming and offer them comfort items such as a glass of water or some coffee.

Don't ask loaded questions. A loaded question is one that assumes a fact that has not yet been established.

For example, say Interviewee A accuses Interviewee B of calling Interviewee A a racial slur. In Interviewee B's interview, don't ask, "What slur did you call Interviewee A?" This assumes Interviewee B actually said the slur. Instead, say, "Share what you discussed with Interviewee A during your one-on-one meeting."

Do keep your body language objective. Nodding or frowning in response to an interviewee's answer can make them think you're "on their side" or passing judgement against them. Keep your facial expression neutral and sit straight and still as the employee answers.

Don't lead the interviewees. Ask questions in a way that doesn't take sides. For instance, rather than asking a witness, "You heard XXXX yell at XXXX, right?", try saying, "Tell me what occurred at your team meeting on March 12."

Do keep questions simple. Long questions filled with jargon will just confuse your interviewees. Ask short questions that aim to gather one detail at a time, rather than multi-part questions. Based on the employee's answer, you can then move on to follow-up questions to gather more information.

Don't ask questions that assign judgement. Avoid asking interviewees if they witnessed/experienced/took part in behaviour that was inappropriate or unusual. This gives them the power to decide if the behaviour falls into those categories. Instead, ask objectively about the behaviour.

Instead of asking, "Did XXXC make an inappropriate comment toward XXXX?" try, "What did you hear XXXX say to XXXX? Was it sexual in nature?"

Do build rapport. Employees are more likely to answer your HR investigation questions truthfully if they trust you. To build that trust, act friendly, start the interview with some neutral small talk, and use language that makes them comfortable (i.e. no jargon or buzzwords).

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Potential Questions

- What happened? Be as specific as possible.
- What was the date, time, and duration of the incident or behaviour
- How many times did this happen, that you're aware of?
- Where did it happen?
- How did it happen?
- Did anyone else see it happen? Who? What did they say and/or do in response?
- Was there physical contact? Describe it. Demonstrate it.
- What did you do in response to the incident or behaviour?
- What did you say in response to the incident or behaviour?
- How did the subject of the allegation react to your response?
- Did you report the incident to your or another manager? Who? When? What they say and/or do?
- Did you tell any other employees about the incident or behaviour? Who? What did they say and/or do?
- Do you know whether the subject of the allegation has been involved in any other incidents?
- Do you know why the incident or behaviour occurred?
- Do you know anyone else who can shed light on this incident?
- Has this affected you and/or your work? If so, how?
- Do you have any physical evidence of the incident you can share (e.g. emails, notes, etc.)
- What would you like to see happen? Outcome?
- Is there anything else you want to tell me about the issue?
- Who committed the alleged behaviour?
- What happened?
- When did this occur? Is it ongoing?
- Where did this happen?
- Did you let the accused know that you were upset by this?
- Who else may have seen or heard this as a witness?
- Have you reported or discussed this with anyone? If so, who did you tell, when did you tell them and why?
- How has this affected you?
- Is there any electronic or physical evidence to document this occurrence?
- Do you have any other information that might be helpful to this investigation?

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These HR investigation questions can help you gather the most useful information from your witnesses:

- What did you witness? Provide as many details as you can.
- What was the date, time, and duration of the incident or behaviour you witnessed?
- Where did it happen?
- Who was involved?
- What did each person do and say?
- Did anyone else see it happen? Who?
- What did you do after witnessing the incident or behaviour?
- Did you say anything to the parties involved in response to what you witnessed?
- How did the complainant and the subject of the allegation react to your response?
- Did you report this to anyone in management? To whom? When? What they say and/or do?
- Did you tell any other employees about the incident? Who?
- Do you know why the incident occurred?
- Do you have physical evidence of the incident you can share?
- Do you know anyone else who can shed light on this incident?
- Is there anything else you want to tell me that I haven't asked you?
- Can you describe what happened, providing as many details as possible
- What circumstances led up to the incident
- What connection so you have with any of the parties
- Was anyone else involved in the incident
- Are there any witnesses that could support your account
- Have you spoken to anyone else, if so, what did you say
- Here's what to ask the accused person:
- What happened? Provide as many details as possible.

If the subject denies that the incident occurred, ask:

- Is there any reason anyone would invent or lie about the incident?
- Where were you on the date and time the alleged incident occurred?
- Do you have any witnesses who can corroborate your whereabouts at the time of the incident?

If the subject doesn't deny that the incident occurred, ask:

- When (date and time) and where did this happen?
- What were the circumstances leading up to the incident?
- Was anyone else was involved?
- What is your connection to the complainant?
- Are you aware of any other complaints by this person?
- Recount the dialogue that occurred as best as you can remember.
- What did the complainant do or say?
- Is there any evidence (e.g. emails, notes, messages) to support your account of what happened?
- Is there anyone else we should talk to who has knowledge of the incident or the circumstances surrounding it?
- Have you talked to anyone about the incident? Who? What did you tell them?

INVESTIGATION REPORT

CONFIDENTIAL

<insert type> Investigation

<insert name, job title

Case Reference	
Date	
Investigator(s)	
Commissioning Manager	

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Note for the Investigator – please remove

*This template should be used for most of reports **but** the key principle for report writing is – think about the reader! Therefore, if some of the sections etc don't fit into what you need to say then leave them out.*

*You'll need to insert the numbers yourself – page numbers are **not** linked to this contents table*

|

1. Introduction

Introduction *– provides a brief outline of what the report is about. Typically, this section is just a few paragraphs. There is no need to go into great detail, just enough to inform the reader:*

- *Who you are and your experience*
- *who the subject is, including a brief outline of service history*
- *briefly how the concerns arose*
- *the governor's commission/authority to investigate*
- *what action was taken in respect of the subject and their present status (i.e. suspended, redeployed)*
- *specific allegation(s)*

1.1.

1.2.

1.3.

1.4. The allegations are:

-

2. Scope

The investigation objectives should be identical to the *Investigation Brief. It should be summarised if the commission is lengthy.*

Interview list – should include all formal interview meetings, even if they are judged to have no evidential value. Evidence of all witness evidence referred to in the body of the report should be covered by this list. If the list is lengthy – consider using an appendix.

Documents examined – include all files and documents including electronic records, or other material that the Investigator views during the investigation. If the list is lengthy – consider using an appendix.

Documents included in this list will not accompany the report when it is issued unless produced as appendices. The list represents unused material and items may later be requested by the subject. Investigators should be in a position to recover any document from this or give good reason why this cannot be done.

Appendices – all documents named in the body of the report should be included as appendices, however anyone reading the report should not be expected to read lengthy appendices in order to understand key issues. The text in the report should form a stand-alone evidential document.

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Documents included as appendices should be forwarded electronically – please review relevant policy to ensure that documents as appendices are forwarded to relevant appropriate persons with the report when it is issued.

2.1 Investigation objective(s):

-

2.2. We held interviews as follows:

Name	**Report Ref**	**Position**	**Date**

2.3 We examined the following records:

-

2.4 Appendices:

Appendix 1	
Appendix 2	
Appendix 3	

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3. Background

Background – should include a brief description of the area, responsibilities and where the subject fits into it. The background section essentially 'sets the scene' before the findings deal with the concern or allegation(s).

Insert sub heading

3.1

3.2

3.3

3.4

4. Findings

Findings and conclusion for each individual allegation – the report must be written in an objective and balanced way, referring to all relevant material and evidence that both serves to support or refute the allegations. Each allegation should be allotted its own chapter heading.

The text should be structured and compartmentalised into relevant key topics and issues using subheadings (below each allegation) that need to be considered by the decision maker.

The report should explain the strengths and weaknesses of the relevant elements of the evidence and based on its reliability, what may reasonably be concluded from the evidence.

Reports do not need to take the reader on the investigation journey, it is not necessary to use the report to explain why an investigation took an amount of time or why a particular matter was not pursued (the Investigation Log answers those questions).

By the end of section 4 the reader should have enough information and evidence to be able to reach their own informed conclusion about the allegations.

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Allegation 1:

Insert subheading

4.1

4.2

4.3

Insert subheading

4.4

4.5

Insert subheading

4.6

Conclusion – Allegation 1

4.7

4.8

Allegation 2:

Insert subheading

4.9

4.10

|

Conclusion – Allegation 2

4.11

4.12

4.13

Allegation 3:

Insert subheading

4.14

4.15

4.16

Conclusion – Allegation 3

4.17

4.18

4.19

5. Supplementary Issues

Consider all relevant facts not just those that may support the allegation – all mitigating factors need to be included within the report.

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In addition to dealing with allegations against the subject, it is important to include any issues found during the investigation that may point to, for example, a system weakness, policy, procedures or management.

Any specific/direct mitigation should be included in Section 4 of the report. But there could be wider issues that affected the overall circumstances, for example, past failures to address poor behaviours may have discouraged individuals from reporting their concerns.

Where we identify the need for management action to address other ongoing issues, this should be included in section 5. This will inform an Action Plan which is issued separately to management at the conclusion of the investigation.

Insert subheading

5.1

5.2

5.3

5.4

Insert subheading

5.5

5.6

5.7

Insert subheading

5.8

5.9

5.10

6. Summary Conclusions

Section 6 – Conclusions – this section will briefly re-summarise how the evidence informs the conclusion. Where there is enough evidence for management to make a decision whether the allegation is founded, the relevant policy breach should be identified.

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6.1

6.2

6.3

6.2

6.3

7. Recommendation

Recommendations *– generally follows a standard format i.e. a list of options open to management.*

Reference should be made to any supplementary issues.

7.1 The Lead Manager, in consultation with the HR Advisor should decide on the next steps. In accordance with the XXXX Policy the available options are:

- Insert option
- Insert option
- Insert option

END OF REPORT