



Bullying and Harassment Procedure - Investigators Guide

**An Investigators Guide and Support Pack
for the Bullying and Harassment Procedure**

Statement from Allan Leighton

Firstly, Can I thank you for agreeing to investigate this case.

As you know eliminating Bullying and Harassment is a major initiative in making Royal Mail a Great Place To Work.

This is a personal priority of mine. Thorough and quick investigations that meet my timescales are essential.

Therefore, please use the enclosed guide and refer to your Regional Case Manager's who have been appointed to support both you and our drive to success.

Once again many thanks

Allan Leighton

Bullying and Harassment

Joint Royal Mail/CWU/CMA Statement

1. Royal Mail Group is committed to being a business in which equality of opportunity is a reality and in which every individual can seek, obtain and continue employment without unfair discrimination. This is supported by the unions recognised by Royal Mail.
2. Royal Mail Group and the Unions are working together to create an environment where bullying and harassment is not acceptable and where all employees support the rights of their colleagues to be treated with dignity and respect.
3. Harassment is: *INAPPROPRIATE and UNWANTED* behaviour that could reasonably be perceived by the recipient or any other person, as affecting their dignity. This behaviour may focus on a person's age, creed, disability, nationality, race, sex, sexual orientation, family status, religion or any other personal characteristic, that may affect the dignity of any individual or group of individuals at work.
4. Bullying is intimidation on a regular and persistent basis or as a one off which serves to undermine the competence, effectiveness, confidence and integrity of the person on the receiving end. A bully misuses his or her power, position or knowledge to criticise, humiliate and destroy a subordinate, a colleague or their manager.
5. Harassment includes suggestive remarks or gestures, pin-ups, graffiti, offensive comments, jokes and banter based on any of the above. None of these is part of a culture in which all employees are treated with dignity and respect.
6. Bullying and harassment are not acceptable in Royal Mail Group. Every effort will be made to deal with allegations on an informal basis in the first instance. Any employee, regardless of grade or position responsible for inciting, perpetrating or condoning bullying or harassment may be disciplined, and can be held personally liable if the person who has been harassed undertakes legal proceedings. Some types of harassment are classed as criminal offences that could lead to prosecution.
7. Any employee who believes him or her self to have been harassed or bullied should, if possible, ask the Respondent to stop. If this is not possible, or if it continues following the request to stop, he/she has the right to complain and should complete a Harassment and Complaint report form (H1). This should be sent to **FREEPOST, ER Operations Team, Royal Mail, Coton House, Rugby, Warwickshire, CV23 0AA**. The matter will be dealt with quickly and in confidence. Anyone complaining about bullying and harassment has a right to be supported at every stage by his or her union.
8. The Respondent may be transferred to another work area during the investigation process, or precautionary suspended. If investigation shows that the complaint is well founded, Royal Mail Group's primary aim will be to prevent recurrence of the behaviour. If necessary, disciplinary action, up to and including dismissal, may be taken. If it is necessary to separate the people concerned, every effort will be made to move the Respondent and not the Complainant, unless it is the stated wish of the latter to move.
9. All Royal Mail Group managers and leaders are responsible for ensuring that bullying or harassment is prevented. Where bullying and harassment occurs, managers and leaders are expected to deal with it whether or not it is brought formally to their attention.
10. Royal Mail Group will not tolerate intimidation, victimisation or unfair discrimination against any employee who makes a complaint of or who assists in an investigation of alleged bullying or harassment. Retaliation against an employee who complains of bullying or harassment can be expected to lead to disciplinary action and may be a criminal offence resulting in prosecution.

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Contents

- Allan Leighton Foreword
- Joint Royal Mail/CWU/CMA Statement on Bullying and Harassment
- Harassment Policy - Statement

Part 1: Bullying and Harassment

1. What is Bullying and Harassment?
 - 1.1 Verbal conduct
 - 1.2 Non-Verbal Conduct
 - 1.3 Behaviour
 - 1.4 Action is Important
 - 1.5 Harassment by E-Mail

Part 2: The Purpose

- 2.1 The Investigator's Guide
- 2.2 Benefits of Investigating a Bullying and Harassment Case
- 2.3 Action to Prevent Complaints of Harassment
- 2.4 Responsibilities of Managers
- 2.5 Role of the Regional Case Manager
- 2.6 Role of the Regional Service Manager
- 2.7 Role of an Investigator
- 2.8 An Investigator should be
- 2.9 Qualities and Skills
- 2.10 Key Qualities
- 2.11 Key Skills:
 - a. Note Taking Skills
 - b. Listening Skills
 - c. Developing your Listening Skills
 - d. Effective Questioning
- 2.12 Representation and the role of companions during the procedure

Part 3: Approach to Investigation / Fact Finding

- 3.1 Key Considerations and Order of Fact Finding
- 3.2 Best Practice
- 3.3 Planning and Organising a Formal Investigation
- 3.4 Preparing for the Investigation Interviews

Part 4: The Interviews

- 4.1 Representation and the role of companions during the procedure
- 4.2 Interviewing the Complainant:
 - a. Introduction
 - b. Main Body of the Interview
 - c. Conclusion
- 4.3 Allegations of a Criminal Nature
- 4.4 Interviewing the Respondent:
 - a. Introduction
 - b. Main Body of the Interview
 - c. Conclusion
- 4.5 Interviewing the Witnesses
- 4.6 Records of Interviews
- 4.7 Allegations Made in Bad Faith
- 4.8 Withdrawn Complaints

Part 5: Reaching and Communicating your Conclusion

- 5.1 Recording and Balancing Evidence
- 5.2 Determining Good Faith
- 5.3 Remedies
- 5.4 Setting Standards
- 5.5 The Investigation Report
- 5.6 Production of the Summary Report and Advising of the Outcome
- 5.7 Re-introducing all parties back into work
- 5.8 Monitoring Following a Harassment Case
- 5.9 Links to Other Procedures – Conduct Code

Appendices

- Appendix 1: Role of Investigator
- Appendix 2: Interview Checklist
- Appendix 3: Structure for a Harassment Investigation Interview
- Appendix 4: Harassment Investigation Interview Notes
- Appendix 5: Summary Case Report

Key Points to Remember

Key Contacts

Part 1: Bullying and Harassment



1.0 What is Bullying and Harassment?

INAPPROPRIATE *and* UNWANTED behaviour that could reasonably be perceived by the recipient or any other person, as affecting their dignity.

Harassment can take many forms. Often we think first of sexual or racial harassment but colleagues can also suffer harassment, bullying or discrimination because of their 'difference' or 'perceived difference'. Examples of this may include age, creed, religion, sexual orientation, nationality, family status, because they have a disability, or just because they don't "fit in" with the group. Equally, harassment is not where performance standards are managed fairly, in accordance with Royal Mail Group policy.

Workplace bullying is intimidation on a regular and persistent basis or as a one off, which undermines the competence, effectiveness, confidence and integrity of the person on the receiving end. The bully misuses their power, position or knowledge to criticise, humiliate and destroy a subordinate, a colleague or even their own boss.

1.1 Verbal Conduct

- The criterion for verbal conduct to be harassment is again that it is unwanted by the recipient, or affects the dignity of any individual or group of individuals. For example:
- Comments, jokes, banter, insults, and language related to age, creed, disability, nationality, race, religion, sex, sexual orientation or any other personal characteristic which are offensive to an individual or group of individuals
- Bullying and intimidation
- Uninvited and unwanted propositions for sexual activity, demands for sexual favours, whether or not accompanied by threats to the individual's job or career, or promises of promotion
- Questions, jokes or banter about aspects of an individual's private life, spreading rumour and gossip
- Suggestive remarks, innuendoes etc. offensive or unwanted comments about dress or physical appearance, which are unacceptable.
- Persistent, unjustified criticism

1.2 Non-Verbal Conduct

For Example:

- Racially or sexually-based graffiti referring to an individual's personal characteristics or private life

- Display of pornographic or sexually suggestive pictures, postcards, pin-ups and calendars of either sex
- Staring, leering, whistling and suggestive gestures
- Stalking
- Display of offensive objects, materials signs or symbols, e.g. swastikas, KKK etc
- Sending people to Coventry – pursuing a course of conduct, which amounts to the organised exclusion of an individual or individuals from conversation or activity
- Mistreating personal property

1.3 Behaviour

For example:

- Horseplay
- Unnecessary touching or brushing against
- Attempted or actual kissing, hand-holding or cuddling
- Assault, including sexual assault

Harassment very often takes the form of joking, or "a bit of fun" and people say things like "Can't he take a joke" or "What's all the fuss about..." etc. Just because an individual or group of individuals think something is a joke doesn't mean that someone else isn't offended by it. A person's lack of challenge does not indicate their acceptance – they may not feel able to challenge the behaviour themselves. It may also be the case that behaviour, which was initially a joke for all, becomes offensive through frequent repetition or a change of circumstances. However the evidence shows that harassment can be a very serious problem and the effects range from feeling uncomfortable right through to severe depression.

1.4 Action is Important

Harassment in the workplace damages people. The impact of this can affect:

- Relationships (both at home and at work)
- Health and well-being
- Performance
- Morale
- Absenteeism

which could lead to:

- Increased expenditure
- Bad publicity
- Legal proceedings
- Increased employee turnover

Any employee who harasses another can be held personally liable if the latter undertakes legal proceedings. Managers can also be held personally liable if they do not take action.

There is no limit on the compensation that a tribunal can order an employer or employee to pay in discrimination cases and employees do NOT have to leave an organisation before they can go to an Employment Tribunal. An employee can claim injury to feelings if a harassment complaint wasn't handled properly even if they are still working for the organisation.

1.5 Harassment by Electronic Communications

The increasing availability of electronic means of communication has created a potentially powerful vehicle for bullying or harassment. Suggestive and unwanted remarks, graphics or threat-centred, abusive e-mails and mobile telephone text messages may constitute bullying. Royal Mail Group has a clear policy on the use of e-mail, which applies at all times.

Part 2: Purpose

2.1 The Investigator's Guide

This Investigator's Guide is designed to support managers in the effective deployment of the new Bullying and Harassment Complaints Procedure.

These notes aim to define harassment and bullying and then go through the process for handling all complaints at work. A detailed set of guidelines on carrying out an investigation are provided. Every case is different and the guidelines cannot cover every eventuality. If you need assistance at any stage of the process contact your Regional Case Manager.



This document needs to be read in conjunction with the procedure itself.

2.2 Benefits of Investigating a Bullying and Harassment Case

ADDS TO YOUR MANAGEMENT CREDIBILITY

Tackling unacceptable behaviour means staff will have more confidence in you and greater respect for you as a manager.

ABILITY TO INFLUENCE PEOPLES BEHAVIOUR

This should lead to a happier and more efficient team.

YOUR TEAM'S PERFORMANCE

Improved performance will reflect well on you.
There should be more openness and trust within the team.

GREATER KNOWLEDGE OF LAW & RMG POLICY

This increased knowledge should give you increased confidence to deal with difficult situations more appropriately.

YOU GET MORE JOB SATISFACTION

Elimination of harassment making it a '**Great Place To Work**'.

2.3 Action to Prevent Complaints of Harassment

Make sure that every member of your team knows that any kind of harassment is unacceptable.

Check that your working environment and communal areas are free from pin-ups, offensive material and graffiti and be mindful that "banter" may not be acceptable to everyone. Where graffiti is found it should always be documented before removal (take a photo if possible). Where references to specific individuals are made you should conduct a sensitive enquiry and check the welfare of the person(s) named.

Sensitive enquiries should also be made about a surprise request for a transfer or when conducting exit interviews as sometimes employees who feel that they are being harassed will ask to move just to get away from the situation.

2.4 Responsibilities of Managers

All managers and others who lead groups of employees are responsible for ensuring that harassment or bullying does not occur in their work area. They must ensure that they:

- Fully understand the harassment policy and are able to offer advice on the procedure when required to do so
- Advise and inform their team to increase awareness and understanding of harassment policy
- Publicly promote the harassment policy
- Ensure their work environment is free of visual harassment, e.g. pin-ups and graffiti
- Are alert to physical and verbal harassment in their work area and deal with it immediately, whether or not it is brought formally to their attention.
- Are supportive of individuals who state that they have been harassed, and take full account of their feelings and perception of the situation. At the same time they should be supportive of the Respondent.
- Maintain complete confidentiality relating to all aspects of cases of harassment at all times and only mention or discuss the case with someone else on a NEED to know basis
- Ensure there is no victimisation of either the Complainant or Respondent
- Do not participate in, encourage or condone gossip relating to cases of actual or alleged harassment
- Take appropriate steps to prevent or stop such gossip in work areas
- Initiate and complete investigations of alleged harassment in line with the procedures and this guide
- Document all complaints and copy to the Regional Case Manager.

2.5 Role of the Regional Case Manager

Your Regional Case Manager has a responsibility for:

- Acknowledging all complaints received
- Identifying an appropriate investigating manager
- Taking ownership of every case and monitoring their progress
- Supporting the Investigators by providing advice and guidance on the policy and procedure

- Providing higher management with information on cases progressing within their area of control
- Using a database to record and track case progress
- Notifying the RSM at Step 4 of the investigation process, where the complaint is made against a Trade Union representative
- Follows up the investigating manager recommendations and seeks updates on progress 8 weeks after case conclusion
- Allocate Manager to conduct Appeal
- Decide whether Conduct Case is necessary for complaints deemed to have not made in 'Good Faith'.

It is important that managers liaise with the RCM, at all stages during the investigation. It is a requirement for the Regional Case Manager to advise the Diversity Team of all cases that have not been concluded within 28 days and the action being taken to conclude the case.

2.6 Role of the Regional Service Manager

The Regional Service Manager has a responsibility for:

Notifying the appropriate Trade Union Senior Field Official of the nature of the complaint, where the complaint is made against a union representative. The purpose of this discussion will be to determine whether the complaint can be informally resolved.

2.7 Role of an Investigator

The Investigator has a defined role in the process to investigate all complaints, which are forwarded by the Regional Case Manager within 28 calendar days. Once the Investigator receives the case papers from Regional Case Manager, the Investigator's responsibilities are to:

- Provide weekly updates to Regional Case Manager using the Case Management Plan sent at outset of case (See Standard Letter 13 of the Standard Letters pack).
- Write to the Complainant to invite to interview within 1 working day. (See Step 3 of the investigation process and Complainant Letter 14 of the Standard Letters pack).
- Interview Complainant within 3 working days.
- Promptly notify the RCM (at Step 4 of the investigation process) where the complaint is made against a Trade Union representative.

- Consider all relevant circumstances and decide whether Precautionary Action is necessary and, if so, what form such action should take (See Step 5 of the investigation process).
- As soon as reasonably practicable after interviewing Complainant, meet with Respondent(s) to invite to interview. (See Step 6 of the investigation process and Respondent Letters 7 to 11 of the Standard letters pack)
- Interview Respondent(s) (See Step 7 of the investigation process)
- Write to potential witness(s) to arrange interviews (See Step 9 of the investigation process and use Witness Letter 15 of the Standard Letters pack)
- Interview potential witnesses (See Step 9 of the investigation process)
- Carefully consider the need to re-interview the Complainant, Respondent, and/or Witnesses to clear up any ambiguities or to discuss any new evidence upon which a decision is being made. (See Step 10 of the investigation process)
- To ensure that both Complainant and Respondent are kept fully informed in writing throughout the investigation. (See Standard Letter 16 of the Standard Letters pack)
- Determine if the complaint has been made in 'Good Faith' (See Section 12 (iv) of the procedure document and Standard Letters 28 to 29 of the Standard Letters pack)
- Deliberate his/her decision and complete a summary report. (See Step 11 of the investigation process and Standard Letters 17 to 21 of the Standard Letters pack)
- Communicate the outcome of investigation to Complainant and Respondent(s) within 7 days (See Step 12 of the investigation process).
- Send the completed case file to the Regional Case Manager

(See Role of Investigator Flowchart: Appendix 1)

2.8 An Investigator Should Be:

In general, you should be sympathetic and sensitive when dealing with all parties, dispel any pre-conceived ideas that you may have, and ensure that everyone involved feels they have been treated fairly and appropriately.

Bear in mind that some interviewees may find it difficult to express themselves, particularly if delicate personal issues are involved.

2.9 Qualities and Skills

Dealing with a harassment case requires more of you than simply a thorough knowledge of the required procedure. To conduct a fair, thorough and unbiased investigation, you also need to apply certain qualities and skills.

2.10 Key Qualities:

Maturity and objectivity	To conduct an investigation you need to be mature and sufficiently experienced to remain objective in an emotional situation.
Trustworthiness and fairness	You need to have the trust and respect of colleagues. They must feel confident that you care about the people involved and will be fair to them.
A caring approach	It is important to demonstrate that you are sympathetic to all parties you are listening to, without becoming personally involved.
Approachability	If you are approachable and easy to talk to, you will be more likely to get the information you need to help make a decision.
Discretion	It is vital to be discreet. Only give the information that you obtain during an investigation to those who have a proper right to see it.
Integrity	Demonstrating integrity means not giving in to pressure to withhold or dishonestly amend any information or facts arising from an investigation. There may be attempts to persuade you, sympathise with you or threaten you. The integrity of the whole investigation depends on your actions and approach.
Resilience	You have to sustain a thorough and fair approach throughout the investigation. Your judgement is needed to decide the following: who to interview, what are the significant facts in the case, what information needs to be established in detail and so on. You must also be able to differentiate between the important and the unimportant facts.

2.11 Key Skills

a. Note Taking Skills

Keeping proper records of interviews is a requirement both for the short term and in case the matter goes to tribunal. Although you may have someone to take notes during a formal interview, you must take your own as well. This is because you will need to refer to them during the interview. It is important you do not destroy your original notes. Any records you make at the time of the investigation are a vital piece of evidence in an Employment Tribunal. At the end of the process your notes should be sent to the Regional Case Manager where they will be kept securely in accordance with the Data Protection Act.

b. Listening Skills

You will need to use active listening skills. This not only provides you with the information you need, it also reassures interviewees that their cases are being heard properly.

Active listening involves:

- An open body posture - try to lean slightly towards the interviewee
- Good eye contact (without staring) - this shows you are paying attention
- Affirmative nods/murmurs - such signs confirm that you are following (though not necessarily agreeing with) what the person is saying
- Maintaining a calm posture, without fidgeting
- Taking full notes, if possible without interrupting the flow, but showing that you are being thorough
- Repeating or paraphrasing what the person has said to show you have understood
- Asking for facts to be agreed or corrected

c. Developing your Listening Skills

Active listening will also help you to establish the full facts of a case - which is your objective as an investigator. This table lists several **unhelpful** ways of responding to an interviewee.

Ways of responding to an interviewee	Possible effects of this response
Directing, leading	If you are too directive, interviewees will be less likely to say what they mean
Judging	If you judge outcomes before the investigation is complete, the Respondent or the Complainant may have an unfair hearing. If the behaviour is noticed, it could lead to complaints about the procedure being unfair.
Blaming	This will add to any sense of guilt the interviewee may be feeling. The interviewee may feel wronged and complain to another manager.
Preaching, moralising	Such behaviour does not advance the investigation. It may even arouse hostility.
Labelling and diagnosing	It is unhelpful to jump to conclusions before you have collected all the available evidence. The hearer may seize on the label or diagnosis and misuse it.
Humouring	This may make the interviewee complacent or feel that you are insincere or biased.

Ways of responding to an interviewee	Possible effects of this response
Not accepting others' feelings	This obscures the purpose of the investigation, which is to encourage those involved to express their feelings and resolve any difficulties. Again it may make you appear to be biased.
Advising, teaching	This is not part of the role of the investigator. It will waste time and may be seen as bias. Any advising should take place once the investigation is complete.
Interrogating	A harsh interviewing style is unlikely to produce the information you need to come to a fair conclusion.
Over-interpreting	Exaggerating the importance of a statement or an attitude carries the risk of biasing the investigation.
Sharing your own feelings	Although this may be intended to put the interviewee at ease, it can waste time and intensify emotions. It may also antagonise the hearer or make you appear less reliable.
Claiming professionalism where none exists	One of the purposes of the investigation is to remove facades and face the real situation. Trying to impress interviewees or to claim expertise you do not have will be counter-productive.
Faking attention	This may lead to information being recorded inaccurately. Interviewees will know if you are being false and this may make them reluctant to speak out. The whole point of the investigation is to establish effective communications between you and the participants.
Hurrying people up	Trying to speed things up will increase tensions and reduce the amount of information that you can obtain. It could also lead to complaints about the way the investigation is being conducted. However, always remain in control of the interview timing.

d. **Effective Questioning**

Effective questioning skills are also essential. Your aim is to collect as much information as possible in a limited time and to encourage people to open up in a situation in which they may find it hard to talk. Then you have to clarify the information you collect, sorting out any gaps or inconsistencies.

Types of questions to use during an investigation: It is up to you put questions in your own words. This is the sequence you might use to ensure a logical flow:

How long have you been working in this office/department?

What exactly is your role?

What is the working atmosphere like in this office/department?

Can you tell me what actually happened to you? / You will know that ... has said that you have behaved inappropriately to her/him by (outline allegation). Will you give me your comments? Tell me in your own words what happened.

When did this take place? Where?

Did anyone else witness this behaviour? / Was anyone else aware of this happening?

How did you respond?

What exactly did you do?

Once you have let interviewees give their view of events as they see it without interrupting, you have a basis on which to ask open questions that can't be answered with a straight 'yes' or 'no'. Open questions begin with a phrase like 'Tell me about ...' or with words like 'How' or 'What'.

If there are areas that are not clear, you may need to use probing questions, for example:

Exactly when did that happen?

Who else was around?

Closed questions ask for specific information or require the answer 'yes' or 'no'. They are useful when you need to check the accuracy of the information; for example:

Was that before or after you ...?

Did the other person accept that?

You will also need to ask witnesses about the working atmosphere in the office. These are the sorts of questions you might ask:

Does general office banter take place?

Who is involved?

What kinds of things are the subjects of the banter?

Who initiates the banter?

How do staff feel about the banter?

How do you feel about?

Funnelling process - think about the different types of questions as filters, each one with a finer mesh as you identify the key factors in a situation. Effective questioning of all parties will maximise the chances of gathering all the relevant facts.

2.12 Representation and the Role of Companions During the Procedure

The Employment Relations Act 1999 (as amended by the Employment Relations Act 2004) covers the role of companions in the bullying and harassment procedure.

For the purposes of this legislation, the term 'Companion' refers to a person accompanying an employee during the procedure, regardless of whether they are a Complainant, Respondent or Witness.

Thus, with effect from 1st October 2004:

1. An employee has the right to be accompanied by a trade union representative or work colleague (from any location).
2. A companion must be allowed to confer with the employee during the meeting and, **if the employee wishes**, to address the meeting in order to:
 - a. Address the interview to put the employee's case
 - b. Sum up that case, and
 - c. Respond on the employee's behalf to any view expressed at the interview.
3. The companion must not at any time exercise any of these rights in an obstructive way. Employees and companions may, where appropriate, be reminded of their responsibilities under Section 3 (iv) (Employee Obligations) of the bullying and harassment procedure.

NB: If an employee or companion is disabled it may be a reasonable adjustment to allow a support worker, lip reader or other individual to accompany them as appropriate.

Part 3: Approach to Investigation / Fact Finding

3.1 Key Considerations and Order of Fact Finding

In preparation for fact finding the following guidelines below should be used as the basis for planning and undertaking an investigation:

- The Complainant should normally be interviewed first (See Step 4), with the aim of obtaining as much detail about the complaint as possible. (**NB:** Standard Complainant Letter 14 applies)
- The Complainant should be dealt with in a sensitive manner, with an understanding of the distress that can be caused when relating a harassment experience
- Having interviewed the complainant, Investigator must carefully consider and decide on the need for any Precautionary Action (See Step 5).
- (See Step 6) The person against whom the complaint has been made (the Respondent) should be:
 - i. Given details of the complaint in writing,
 - ii. Given notification of any decision on Precautionary Action (See procedure document), and
 - iii. Invited to interview in writing (to include a statement setting out their right to be accompanied). A minimum of 48 hours notice is to be given.

NB: Standard Respondent Letters 7 to 11 apply (See Standard Letters Pack)

- The Respondent should then be interviewed and given a clear and fair opportunity to present their view of events (See Step 7). This interview must be conducted sympathetically and in complete confidence.
- (See Step 8) Having interviewed both the Complainant and Respondent, the Investigator should determine whether there is:
 - i. An opportunity to resolve the matter informally with the agreement of the Complainant,
 - ii. A need to investigate further by interviewing relevant witnesses for both the Complainant and Respondent, or
 - iii. Enough evidence to make a decision on the investigation
- Investigators should be mindful of the fact that the complaint requires **full** investigation before it can be regarded as substantiated. (**NB:** Standard Witness Letter 15 applies).
- If the Complainant or the Respondent are on sick leave for more than a few days, investigators should not necessarily delay the investigation until they return. This can be a tricky situation to handle and advice should be taken from the Regional Case Manager in such circumstances.

- It may be necessary to consider separating the parties during an investigation (See Precautionary Action). (**NB:** Standard Respondent Letters 8 and 11 apply). If in any doubt advice should be sought from the Regional Case Manager.

3.2 Good Practice

The concept of 'natural justice' means that the investigation must be fair, thorough and unbiased. To achieve this, you will need to continually consider the 'rights' of all parties involved. This represents 'good practice' in the treatment of those involved in an allegation of harassment.

The following provisions should be made available to both the Complainant and the Respondent:

- Interviews should take place in accommodation suitable for the purpose, bearing in mind the need for confidentiality. Suitable accommodation includes somewhere private, away from the normal working area of the Respondent or Complainant and free from interruption.
- It is vital that the investigation is dealt with sympathetically and effectively and with due regard for the feelings of everybody concerned.
- All parties have a right to be accompanied by a trade union representative or by a work colleague from within the business at all stages of the investigation. The work colleague should not be from an area geographically remote to the individual.
- Where a note taker is used to assist it is essential that full confidentiality is maintained and note takers should be briefed accordingly.
- You should ensure that all parties are offered support and are aware of the option to be accompanied during the interviews
- Both parties should be informed of the investigation procedure and kept up-to-date on what is happening throughout.

3.3 Planning and Organising a Formal Investigation

To begin the process of ensuring a fair investigation, the first task is to check whether you are an appropriate person to be doing the investigating.

Ask yourself:

- Are you involved in any way which might stop you being unbiased?
- Would someone of the same gender/ethnic background as the Complainant be more appropriate to obtain all the facts?

When you are starting an investigation, you will also need to organise and plan the process. This will mean considering the following issues:

- Who needs to be interviewed (Complainant, Respondent, and witnesses), and when

- What accommodation you need to arrange for the interviews
- Who, if anyone, will be taking notes
- Whether any interim measures (transfer/precautionary suspension) may be required
- Whether support is needed for the Complainant, Respondent, and witnesses,
- Whether any of the parties have a disability which needs to be accommodated
- Who else needs to be kept informed, and how
- Who will type up the interview records
- How you will write the final report (i.e. the planned structure and content)
- Aiming to work to a **28 calendar day timescale** to reach your conclusion and compile your report.

NB: The 28 day timescale commences from date the complaint is logged on the Harassment Database.

3.4 Preparing for the Investigation Interviews

Until you acquire some experience in using the procedure, you may feel somewhat apprehensive at the idea of investigating an incident of harassment. You have to act promptly. Your aim is to find out all the facts and give a fair hearing to everyone concerned without getting involved yourself. As far as possible you should create an atmosphere in which people do not feel frightened or defensive.

The more thorough your preparation at every stage, the easier and more effective the investigation will be.

To ensure that the investigation interviews are properly communicated and effectively carried out, a checklist of the actions, which need to be undertaken before the interviews, is at the end of this guide for your use.

(See Checklist : Appendix 2)

Part 4: The Interviews

4.1 Representation and the Role of Companions During the Procedure

The Employment Relations Act 1999 (as amended by the Employment Relations Act 2004) covers the role of companions in the bullying and harassment procedure.

For the purposes of this legislation, the term 'Companion' refers to a person accompanying an employee during the procedure, regardless of whether they are a Complainant, Respondent or Witness.

Thus, with effect from 1st October 2004:

1. An employee has the right to be accompanied by a trade union representative or work colleague (from any location).
2. That companion must be allowed to confer with the employee during the meeting and, **if the employee wishes**, to address the meeting in order to:
 - a. Address the interview to put the employee's case;
 - b. Sum up that case; and
 - c. Respond on the employee's behalf to any view expressed at the interview.
3. The companion must not at any time exercise any of these rights in an obstructive way. Employees and companions may, where appropriate, be reminded of their responsibilities under Section 3 (iv) (Employee Obligations) of the bullying and harassment procedure.

NB: If an employee is disabled it may be a reasonable adjustment to allow a support worker, lip reader or other individual to accompany them as appropriate.

4.2 Interviewing the Complainant

A. The Introduction

The following points should be included:

- An introduction of yourself, and an explanation of your role as investigator
- What will happen and an appropriate timeframe (you will not be able to give a specific date)
- Who will decide the final outcome
- That there will be no retaliation as a result of the complaint
- The complaint is being taken seriously and will be thoroughly investigated
- The complaint and the interview will be treated as confidential, with information only being shared with those proper to have access to it.

You should also explain that:

- Notes will be taken and it may be necessary to pause from time to time to record what is said
- As a result of the interview, notes will be prepared for their signature
- They will be able to read, comment and make changes before they sign the interview notes. You should advise the Complainant that it would be your decision as to whether those changes are accepted.
- The interview notes will be used as part of the report of the investigation, and the report will be shown to the Respondent.
- Any friend accompanying the Complainant is there solely to provide moral support, observe and cannot participate in the interview and they must not be implicated in any way i.e. a potential witness.
- A summary of your understanding of the allegation will be produced.

B. Main Body of the Interview

Here the essential points are:

- Ask the Complainant to give their version of events. Listen carefully and make notes, but do not interrupt unless this is essential
- Restate the facts as you have understood them and ask for agreement or correction
- Check specific facts
- Ask if the Complainant has anything to add, when you have confirmed all the information given
- Keep the tone as factual as possible. The nature of the discussion is intensely personal and can arouse strong emotions. To maintain a balance between sympathy and neutrality:
 1. Do not allow your own feelings or assumptions to influence you
 2. Avoid criticising the Respondent
 3. Focus on the case, not on other issues
- Ask the Complainant about appraisals, assignments and any promotion opportunities, if the line manager is the accused. In particular, whether these were handled fairly.
- Look for possible other evidence - is this harassment part of a pattern? Were there any witnesses or other evidence? You may need to look at reports, appraisals and so on

C. Conclusion

Close the interview effectively by:

- Reading back the notes taken to confirm what has been said and understood
- Asking the Complainant if there is anything else they wish to add
- Thanking the Complainant for their time and co-operation

- Telling them what will happen next, in particular that:
 1. Notes will be typed up for them to read, amend if necessary and sign
 2. You may need to interview other people
 3. You may need to speak to them again
- Reminding the Complainant that they can speak to the Regional Case Manager at anytime
- Re-emphasising confidentiality
- Asking if they would like further support - e.g. from Employee Health Services

(See example Structure for Investigation Interview: Appendix 3)

4.3 Allegations of a Criminal Nature

Where it appears that the allegation is of a **criminal** nature, inform your Regional Case Manager and seek assistance immediately from;

Legal Services PL 5409 9191, STD 020 8681 9191
and/or

Corporate Security PL 5409 9876, STD 020 8681 9876

If at any stage there is a **suspicion** of criminal activity seek advice immediately on the numbers given.

4.4 Interviewing the Respondent

The interview with the Respondent will have a similar structure to the interview with the Complainant, although some additional points will be needed in the introduction and conclusion.

A. Introduction

In addition to the points covered in the introduction to the Complainant's interview, you will need to explain that:

- A matter has arisen which you need to investigate
- It will be your intention to ensure that a neutral, objective, and professional investigation takes place
- You will then need to summarise the allegations that have been made.

Explain what the issues are. Make this as neutral sounding as possible, avoiding harsh, legalistic expressions like 'sexual/racial harassment', 'charge', 'allegation' and 'claim'.

Use expressions such as 'a matter', 'a sensitive issue', and 'inappropriate behaviour'. Concentrate on the situation and state the allegations exactly as the Complainant has presented them.

B. Main Body of the Interview

As in the Complainant interview, the main body of the interview will be spent gathering as much information as possible that might shed light on the alleged events. Your aim is to establish a full picture of the events from the Respondent's perspective. You will therefore need to ask the person to describe the events as they appear to him or her. You should avoid interrupting whilst they do this.

Once they have given their version of events, you will need to probe for further specific details and explore those areas where their view differs from the Complainant's.

You should then recap the key points that the Respondent has told you, noting the areas of agreement and those which conflict with the Complainant's perspective. You may wish to probe this further.

During the interview you must be careful not to be affected by the Respondent's reactions. These reactions will usually be:

- Anger
- Surprise
- Denial
- Statements of hurt and betrayal

In some cases, the Respondent will make a counter-accusation. If this happens, you must make it clear these accusations will also be taken seriously, and will be dealt with as per section 7(iii) of the Bullying & Harassment procedure.

An appropriate response to a counter-allegation made during an interview would be to say "Your complaint of harassment is taken very seriously, as is the original complaint. I will properly investigate your concerns, but that will need to form part of a separate set of interviews".

You would then explain how and when the investigation would be carried out. Once you have given this explanation, you may want to take a natural break before continuing the scheduled interview. The counter-allegations should then be fully investigated, and appropriate action taken once you have uncovered whether or not they have a foundation in fact.

C. Conclusion

Again, the conclusion of your interview with the Respondent will be very similar to that used in the interview with the Complainant.

4.5 Interviewing the Witnesses

The structure that you adopt for interviews with witnesses or other relevant parties will be similar to other interviews:

- Explain the reason for the interview
- Explain the process
- Stress the need for confidentiality (using the kind of language that was suggested earlier - such as 'sensitive issue')
- Get them to relate their understanding of the situation
- Record their view of events

4.6 Records of Interviews

You must keep a full written and dated record of all interviews and other meetings as you conduct the investigation. These records will be needed for internal use, but they may also be used in an Employment Tribunal. You should keep notes of actions taken which otherwise may not be recorded, e.g. telephone calls to chase up notes etc. However, you should not use such notes in a Conduct Code case unless it is appropriate to do so.

You will find it valuable to number each paragraph of each person's interview notes. This makes cross-referencing easier. The typed version should be handed over to the individual concerned to read and check before signing and dating it. Any alterations must be hand-written and initialled. Make a note of the alterations and the reason for them.

If anyone refuses to sign an interview record, the evidence can be included in the report anyway, but a note should be attached saying that this has not been signed.

(See example Interview Notes form : Appendix 4)

4.7 Allegations Made in Bad Faith

See Part 5: Determining Good Faith.

4.8 Withdrawn Complaints

During the course of an investigation there is always a possibility that you may be approached by individuals who want to withdraw their complaint or amend a statement which has been given. This underlines the importance of treating **all** parties objectively and with Dignity and Respect.

It is not acceptable for you, as a manager, to accept such a request to withdraw a complaint or amend a statement without fully considering the implications. Any apparently sudden changes of heart should be viewed critically, remembering that we have a duty to fully investigate complaints which are brought to our attention. The reasons for withdrawal or amendment to a statement will generally fall into one of the following categories:

- It has become clear to the Complainant that they were not in possession of all of the facts at the point that they made their complaint. As things are now clearer they have decided that they wish to withdraw it.

- The individual has been put under pressure by others to change their version of events.
- The original complaint was fabricated in an attempt to get somebody else into trouble and the Complainant realises that they have little chance of success.
- The individual may feel that the investigating manager has not acted in accordance with the procedure and whilst their complaint is genuine they have lost faith.

All of the scenarios above appear clear cut, but in practice this will not be the case. We recommend you contact your Regional Case Manager and discuss the case. You should:

- Make a note of what is said to you but don't jump to a conclusion - reserve judgement
- Seek a full explanation for any apparent change of heart and be prepared to challenge any arguments, which are weak, but support/reassure people who may genuinely be in fear of reprisals.
- Make a file note of the reasons which people provide and where practicable take an amended statement (always retaining the original) and get this signed
- Take advice from your Regional Case Manager before committing yourself to a particular course of action.
- Remember that complaints don't just go away, particularly ones in which serious allegations have been made. Be prepared to follow the case through to its conclusion.

Part 5: Reaching and Communicating your Conclusion



5.1 Recording and Balancing Evidence

Some cases may appear clear cut in that one of the parties will admit to the act complained of or there may be overwhelming evidence to suggest that the act complained of did occur. Others will be less clear and there may be contradictory evidence. Where this is the case it may be necessary to see the individual who made the complaint again and discuss the contradictory evidence with them, as it is possible that they may be able to provide further information, which helps to explain any inconsistencies.

Once you are convinced that you have carried out a reasonable investigation you should use the summary sheet at **Appendix 5** for recording and balancing evidence. Many managers find this format useful because it brings together the evidence of the Complainant, Respondent and Witnesses into one document; with supporting evidence listed on one side and contradictory evidence on the other.

You will need to use this information to determine the facts of the case and whether you have a 'reasonable belief' that the act complained of actually did take place.

Where there is no direct evidence, resolution may depend on your assessment of the balance of probabilities and the credibility of the people involved. In doing so it is important that you carefully consider any personal biases which you may hold and set these aside in making your decision.

It is important to note that there are essentially three things that you need to consider in making your decision:

- You need to believe that the act or acts complained of actually occurred,
- You need to have reasonable grounds for coming to that conclusion, and
- You need to be satisfied that at the point at which you have reached that decision you have carried out as much investigation into the matter as was reasonable in all the circumstances of the case.

In summary, you don't have to be able to 'prove' that the act complained of occurred, but you do have to 'reasonably believe' that it did, i.e. you are able to make a reasoned judgment based on facts gathered from evidence, having carried out a full investigation and carefully considered all of the evidence available to you. **Crucially, you need to be able to explain why you believe it did or didn't happen.**

Where you have decided that the act complained of did occur, you need to establish whether or not it was reasonable in the circumstances. This would depend on the facts of the individual case and is generally clear cut where the act complained of is based on alleged inappropriate behaviour, for example:

- Proven harassment would not be reasonable in the circumstances.
- Refusal to grant overtime or allow annual leave may be reasonable in some circumstances but not in others.
- Your conclusions and how you came to them should be recorded on the Case Report Form, which accompanies these guidelines.

(See Summary Case Report Form: Appendix 5)

5.2 Complaints Not Made in Good Faith

Complaints that are not made in good faith undermine the validity of the whole investigation process and damage the basis of good working relationships.

While a guiding principle of the Bullying and Harassment procedure is that managers will treat all complaints seriously, there is an obligation upon all employees that complaints must be made in good faith.

On completion of an investigation, where an investigator believes there is evidence to suggest that a complaint was not made in good faith, s/he must decide whether the complaint was so made.

For a complaint to be deemed as not made in good faith there must be reasonable grounds for belief with supporting evidence. For example, where a complaint is brought that is untrue and/or aims to annoy, irritate, distress, damage or otherwise harm the reputation and/or integrity of the person against whom it has been made.

If it is found that a complaint has not been brought in good faith, appropriate action may be taken under the Conduct Code, which may include dismissal.

Where it is believed that the complaint was not made in good faith, the investigator will:

- Compile a summary of supporting evidence, clearly stating why they believe that the complaint was so made,
- Inform the Complainant of the outcome of the harassment investigation and that s/he believes there is evidence to suggest that the complaint was not made in good faith, and
- Forward the summary and the original case papers to the relevant RCM.
- The RCM will use the summary only to decide whether the case should be dealt with under the Conduct Code.

NB: The original Investigating Manager will not undertake the investigation of the Conduct case. (Standard Complainant Letter 28 applies).

5.3 Remedies

Where you have established that a complaint is substantiated it is necessary to consider what can be done by way of a remedy. This process is made easier where you have established, on commencement of your investigation, the

individual's motives in bringing the complaint. Having done this you may have already been able to take steps to ensure that potential remedies have not been closed off during the period of the investigation. In doing so the operational needs of the business will have been considered and you will have determined whether an available remedy could be held open whilst the investigation is undertaken.

There are likely to be few occasions where, operationally, a decision can be delayed pending the outcome of an investigation but this must be an active consideration and you must not unnecessarily take action, which closes off a potential remedy that would have otherwise been available.

Generally speaking the remedies available will depend on the nature of the complaint raised. As a rule of thumb the following points might be considered as appropriate phases to work through in defining remedies:

- Have I determined that the individual has been treated unfairly? If yes, say so. In many cases this might be all that the individual is seeking.
- If the individual has been wronged, is an apology appropriate? In some, but not all, cases an apology may be appropriate.
- If the individual has incurred loss as a result, is there an opportunity to remedy this, or put something in place to prevent it from happening again in future? Note this should not be financial compensation, but in some circumstances it may be possible to mitigate a loss incurred.

5.4 Setting Standards

Regardless of the outcome of the investigation there is likely to be a need to re-affirm appropriate standards within the workplace and ensure that there is no victimisation as a result of the complaint being made. Where a business policy has been breached it will be necessary to advise the Respondent and Complainant accordingly, in communicating the outcome of the investigation.

It may also be appropriate to refer to the Code of Business Standards and ensure that the parties understand the standards that are expected in future.

Where you do not believe that the complaint has been proven but there are lessons to be learned as a result of the investigation it may be prudent to re-affirm standards more widely within the workplace, through team briefing or training for example. This may be particularly appropriate where it has become apparent from the investigation that poor standards of behaviour have become the norm within the work place.

In such circumstances it would be appropriate to advise the whole team of the standards expected, without reference to the specific case investigated, and how breaches of these standards will be dealt with in future. **Your local Regional Case Manager may be able to help further in these situations.**

After re-affirming standards you will need to monitor the situation to ensure that they are being observed and that the person who made the complaint is not being harassed or victimised in any way.

5.5 The Investigation Report

(See Case Summary Report Form: Appendix 5)

The stated allegations, together with the supporting and conflicting evidence relating to them, will form part of the investigation report. The report is the culmination of the investigation. It is used as the basis for any subsequent disciplinary interview.

It is therefore essential that the report be:

- Comprehensive
- Well laid out
- Easy to read
- Written in an impartial style
- Easy for readers to find their way through
- Easy to understand

The report should:

- State facts and witness evidence
- Contain recommendations
- Have numbered paragraphs so that it is easy to cross refer
- Be laid out in standard report format
- Have appendices, where these are appropriate
- Be free of assumptions or prejudices

After an investigation has been completed, you will need to draw some conclusions about whether the allegations are proven. These conclusions should be an objective statement of the extent to which the allegations have been substantiated. Each allegation should be dealt with separately.

At this stage, you will need to remember that you are seeking to establish whether, on the 'balance of probability' the incident(s) occurred. Depending on the conclusions reached, you will need to recommend appropriate action. This may include referral to another Procedure, e.g. the Conduct Code.

If a disciplinary penalty seems the likely outcome, the exact nature of the action to be taken should not be decided until after the disciplinary hearing. The disciplinary hearing allows the alleged Respondent a further opportunity to offer any mitigating circumstances.

5.6 Production of the Summary Report and Advising of the Outcome

You must inform the Complainant, Respondent(s), RCM and the relevant Line Manager of the outcome of the investigation and the reasons for your conclusion, in writing, within 7 days of completing your report. Where disciplinary action is considered appropriate, any misconduct case should be progressed by the line manager of the individual(s) concerned (see 5.9 'Links to Other Procedures' below). Some Complainants will wish to know the outcome of any disciplinary action but the most that you can do is assure them that the case has been handled fairly and appropriately.

In many circumstances the misconduct case will not have been concluded at the point when the individuals are advised of the outcome of the harassment/complaints investigation, but whether or not this is the case the exact nature of any disciplinary action taken should, as is normal practice, remain confidential.

It may be that at the end of the investigation you conclude that there is not enough evidence for you to have a reasonable belief that the act(s) complained of actually took place. If this is the case you should record why you have reached this decision.

Regardless of whether or not the complaint has resulted in action under the Conduct Code, you should complete the Case Report Form (Appendix 5), which details the complaint made, investigation undertaken and resulting actions. The format for this report is attached at the end of these guidance notes. Please note that a full copy of this is sent to the Regional Case Manager and a summary to the Complainant and Respondent.

Where you have found that there is a case of misconduct to be answered it may be appropriate to protect the anonymity of witnesses. Further advice on this point should be taken from your Regional Case Manager before the report is sent to the Complainant or Respondent.

You should stress that all parties information must remain in strictest confidence. Furthermore, it should be noted that your decision is not necessarily final as the Complainant has a right to an Appeal against the decision, which might result in a different outcome.

5.7 Re-introducing All Parties Back into Work

Regardless of the outcome of the investigation there is likely to be a need to re-affirm appropriate standards within the workplace and ensure that there is no victimisation as a result of the complaint being made. Where a business policy has been breached, it will be necessary to advise the Respondent and Complainant accordingly when communicating the outcome of the Appeal. It may also be appropriate to refer to the Code of Business Standards and ensure that the parties understand the standards that are expected in the future.

Where you do not believe that the complaint has been proven, but there are lessons to be learned as a result of the Appeal, it may be prudent to recommend the re-setting of standards more widely within the workplace. This may be particularly appropriate where it has become apparent from the Appeal that poor standards of behaviour have become the norm within the work place. In such circumstances it would be appropriate to advise the whole team of the standards expected, without

reference to the specific case investigated, and how breaches of these standards will be dealt with in future.

Your Regional Case Manager may be able to help further in these situations.

5.8 Monitoring Following a Harassment Case

The end of the investigation does not mean the end of the incident.

It is essential for the investigator and/or the relevant Line Manager to take action and check whether this has been achieved, whatever the outcome of the investigation. It is the responsibility of the RCM to monitor such actions.

It is vital to monitor carefully, because, if the procedure has not been fully effective, the harassment may continue. The individual might then resign and bring a case of constructive dismissal against Royal Mail.

You may decide to follow up the investigation by arranging for the Complainant or the Respondent harasser to be counselled, coached or trained. If both parties are willing, mediation may be a means for resolving conflict between the parties.

Upon the conclusion of cases under the Bullying & Harassment Procedure, the RCM will refer to the Head of Diversity any that appear likely to lead to ET proceedings. He/she will liaise with Legal Services where pre-emptive action is appropriate.

5.9 Link to Other Procedures - Conduct Code

Where disciplinary action is considered necessary, upon conclusion of an investigation under the Bullying and Harassment Procedure, the principles of the Conduct Code will apply. Any subsequent misconduct should normally be managed within the reporting line. In such circumstances it may be necessary for the manager who has investigated the complaint to determine the potential severity of the misconduct before passing the papers to the Respondents first or second line manager as appropriate. The purpose of this is to determine what level of authority is likely to be necessary to implement a potential penalty. **It is vital to be clear that this does NOT mean that the Conduct Code action is pre-determined.**

The evidence gathered under the Bullying and Harassment Procedure may be used to substitute the fact finding stage under the Conduct Code; but in some circumstances the Respondents first line manager may wish to undertake further fact finding before deciding how to proceed with the case.

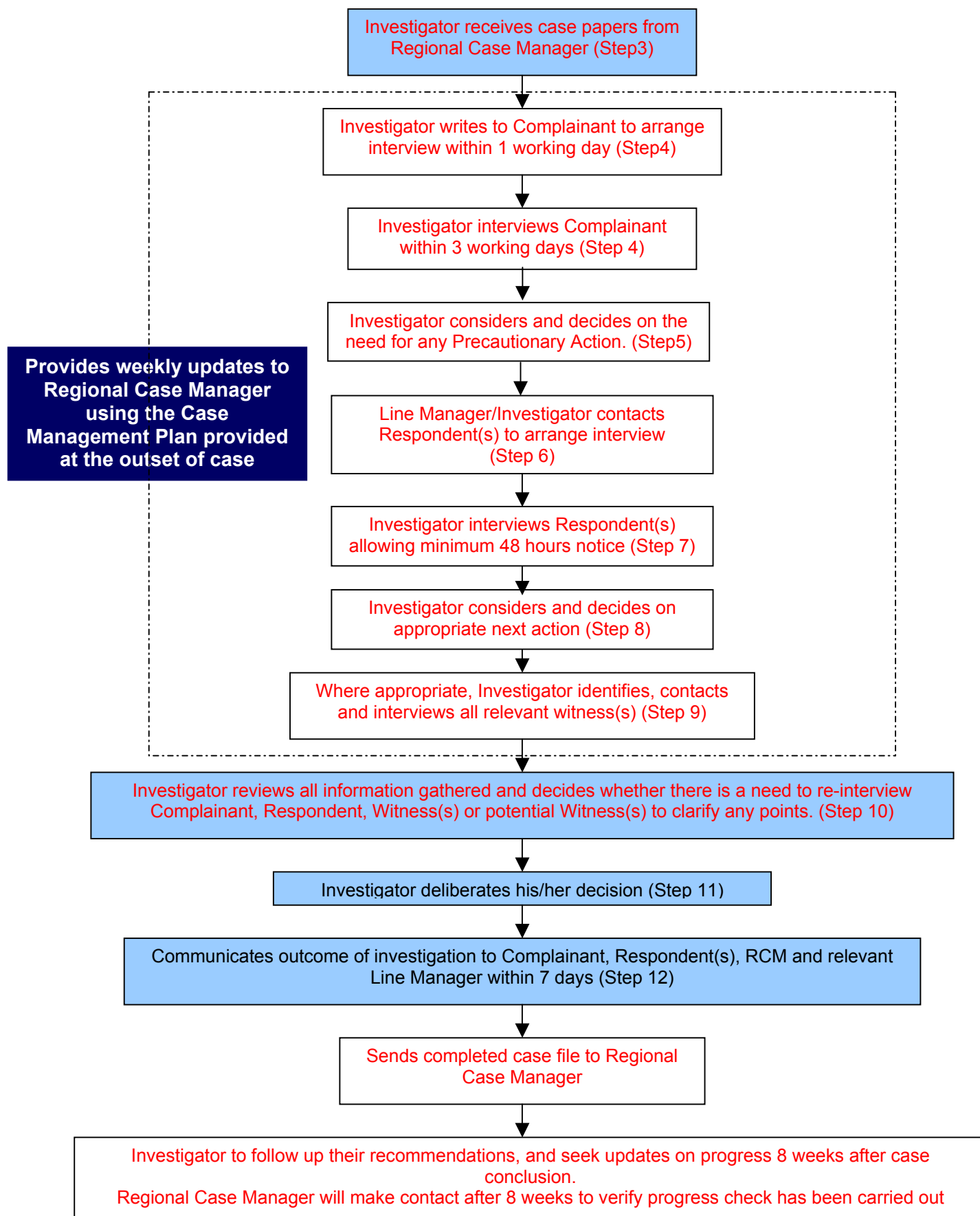
If the case has been passed to the Respondents second line manager and s/he feels that further fact finding is required s/he may ask the manager who initially investigated the complaint to undertake this before proceeding. Any decision as to the need for further fact-finding is at the sole discretion of the manager dealing with the misconduct case.

Conduct penalties will be implemented in accordance with the principles outlined within the Conduct Code. However, where it is felt that there could be a risk of further bullying, harassment or victimisation it will be necessary to consider whether the precautionary measures outlined above (see 3.3 Planning and Organising a

Formal Investigation - 'Interim Action') and in Section 8, Step 5 of the Bullying and Harassment Procedure are appropriate.

Where appropriate these may apply until the misconduct appeal has been concluded and the outcome implemented.

Role of Investigator



Important note: The Regional Case Manager will be contacting you for updates on day 7, 14, 21 and 28.

Action	Date action taken
Book sufficient diary time to conduct the interviews	
Book a suitable room for the interviews	
Study current available information	
Prepare a list of questions to be posed to: the Respondent; the Complainant; and any witnesses - making use of the Bullying and Harassment Investigators Guidelines	
Organiser a note-taker. This person should: <ul style="list-style-type: none"> ● be unconnected with any of the people involved in the investigation ● not contribute to the interview, except by taking notes ideally be of the same gender and ethnicity as the Complainant	
Ensure that there will be no interruptions during the interview: arrange for a 'Do Not Disturb' sign and for the telephone to be diverted	
Write out the questions to be asked. These should be formatted so that there is sufficient space for the answers to be added. Alternatively, each question can be numbered with the answers recorded on separate sheets of paper	
Ensure that the people to be interviewed have received all the necessary information about the interviews: <p>date, time, place and purpose of the interview</p> <p>fact that they have the option of being accompanied by a friend or colleague, or a trade union official. Whoever the person, he/she must be a Royal Mail employee (the accompanying person does not take part in the interview, and is there for moral support only)</p>	

The bullying and harassment procedure requires you to conduct several interviews. To be fair to everyone involved, you must make sure that your approach is consistent in each one.

Although you will need to prepare each interview separately because the various parties involved will be able to provide different kinds of information or viewpoints, there should still be a consistent approach to all the interviews.

Interviewee:		Start Time:	
Date of Interview:		Finish Time:	
Interviewer		Location of Interview:	
Note taker:		Accompanied by:	

INTRODUCTION :	Meet and greet
Welcome and thanks for attending	
Please take a seat and make yourself comfortable	

Accompanied by a trade union representative or by a work colleague	
I see that you have brought someone with you to the interview (friend or trade union representative). A companion is allowed to confer with you during the meeting and, if you wish , can:	
<ul style="list-style-type: none"> a. Address the interview to put the employee's case; b. Sum up that case; and c. Respond on the employee's behalf to any view expressed at the interview. 	
OR	
I see you have chosen to come alone without a colleague/companion and I would just like to check that you feel comfortable to continue alone	

About me	
Name	
Role today	Harassment Investigator
This interview is taking place under the Bullying & Harassment procedure	
A complaint has been made by, about an alleged incident and you have been named as a witness or you may have information of value to my investigation. In order for me to carry out a thorough investigation I will need to gather information about this incident or any related incidents, hence you being here today.	
My role is simply to carry out a comprehensive review to gather all the facts about the complaints that have been made and gain a clear picture of all the events, before I make my decision on the validity of the complaint.	

Interview and notes	
Stress the interview is in confidence and must not be discussed with colleagues or friends as it could prejudice the investigation. However, it is also important to be honest that the nature of the complaint will need to be disclosed to the respondent and potential witnesses in order to ensure a through and fair investigation.	
Confirm I will be taking notes so I have an accurate record & may need to take time to write it down.	
The notes would be type written and that I would forward two copies of the notes, one of which would be for their retention.	
Explain that on receipt of the interview notes, they should read them thoroughly, make any amendments on a separate sheet of paper and sign the notes as a record of the interview.	
The notes should then be returned to me within 3 working days, otherwise I would assume that they were uncontested and would use them in the basis for my decision.	

Reassurance of the procedures	
<p>I want to reassure you that the interview will be in confidence and the information will only be shared with the people who need to have access to it; these people include myself, the note taker and other individuals should the case result in charges under the conduct code. However, it is also important to be honest that the nature of the complaint will need to be disclosed to the respondent and potential witnesses in order to ensure a thorough and fair investigation.</p> <p>NOTE: The Respondent and the Complainant would have access to any interview notes if conduct is recommended.</p>	
<p>Because of the sensitive nature of the complaints I would ask you not to discuss what is said outside of the interview as this could compromise my investigation</p> <p>If anyone should approach you and ask questions regarding the interview, then please contact me immediately.</p>	
<p>I understand that this is a very stressful situation for you and I may be asking you about things that you find uncomfortable to talk about. Just try and answer my questions as honestly and simply as possible.</p> <p>If you need to take a break at any time please let me know.</p>	
<p>Do you understand what I have said so far and have you any questions regarding the procedure?</p>	
<p>Before we go onto discuss the allegations made, I would like to gather some background information about the operation at, the structure, role so that I understand the bigger picture. Then move onto the allegations made by</p>	

Closing information for a Harassment Investigation interview ending	
<p>Thank you. That is the end of the interview.</p>	
<p>Is there anything else you would like to add?</p>	
<p>Are there any points that you feel that I have missed?</p> <p>Are there any questions that you think that I should have asked you?</p>	
<p>Recap the notes</p>	
<p>Thank you for your time and co-operation</p>	

Next steps	
<p>I may need to interview other people who have information about the incident.</p>	
<p>I may also need to speak to you again.</p>	
<p>In the meantime if you remember anything else then please get in touch with me.</p>	
<p>I would just like to reassure you again that the procedure is confidential and information will be seen only by the parties authorised to do so.</p>	
<p>I appreciate that it is a stressful time for you and if you would like to you can contact Employee Support Services or your Regional Case Manager.</p>	

Interviewee:		Start Time:	
Date of Interview:		Finish Time:	
Interviewer		Location of Interview:	
Note taker:		Accompanied by:	

I interviewed (NAME) on (DAY DATE) at (PLACE). The interview began at (TIME) and finished at (TIME). (NAME) was accompanied by (NAME, POSITION)

I began by introducing myself to (NAME) and (NAME) and thanked him/her for coming to see me.

I offered them a seat and asked them to make themselves comfortable.

I explained that I was here today to Investigate (NAME's) complaint against (NAME) under the Bullying and Harassment procedure.

I further explained that I had been given (MR/MRS name) as someone who might have some information in relation to the complaint

I explained that (NAME's) complaint was being taken seriously and that the case would be investigated thoroughly by me and I would be solely responsible for any decision taken as to the outcome.

I further explained that to enable me to understand the situation and events that have occurred, I would be taking notes to allow me to record the information accurately.

I added that my notes would be type written and that I would forward two copies of the notes, one of which would be for his/her retention. I explained that on receipt of the interview notes (NAME) should read, make any amendments on a separate sheet of paper and sign the notes as a record of the interview. The notes should then be sent to me within three working days otherwise I would assume that they were uncontested and would use the notes taken at the time of the interview in the basis for my decision

I told (NAME) that the interview was in confidence and asked him/her not to discuss what has been said with anyone. I explained that the only people who would see the notes would be the Regional Case Manager and myself as I would be the person making the decision.

I explained that the notes may be seen by other people should there be resultant action under the conduct code

I said that I understood that this could be a very stressful situation for (NAME) and that I may ask questions about things that (NAME) may find uncomfortable to talk about and that he/she should just try and answer my questions as honestly and simply as possible.

I said that if (NAME) needs to take a break at any time they should just let me know.

I explained that it is important that I get a full picture of the events and I asked that (NAME) answer my questions as honestly and as simply as possible.

I explained that when I had considered all of the facts of the case I would make my decision and communicate that decision in writing in the form of a summary report which would contain my findings and recommendations. I further explained that copies of my summary report would be sent to the Complainant and the person about whom the complaint has been made.

I asked if (NAME) understood what would happen today and if he/she was ready to continue. (NAME) said he/she was ready to continue and acknowledged that they understood.

I then stated that I would like to get some background information before I moved on to specific questions. I asked if (NAME) had any questions in regard to what was about to happen or the process in general

MAIN BODY

I said that that was the end of my questions and asked if there was anything that (NAME) would like to add

I asked (NAME) if there were any points that he/she felt I had missed or any questions that he/she thought I should have asked.

I said that I would like to recap the notes and clarify any points that I may have recorded incorrectly or that I had misinterpreted.

I thanked (NAME) for their time and co-operation.

I reminded (NAME) that the notes would be typed up and I would arrange for the notes to be forwarded to (NAME) and be asked to read the notes and make any amendments then sign them as a true record of the interview.

I said that I may have to speak OR not with (NAME) again.

I said that if (NAME) remembered anything else then (NAME) should please get in touch with me.

I said that I appreciate that it could be a stressful time for (NAME) and if necessary they should contact Employee Support Services or the Regional Case Manager.

I then thanked (NAME) and closed the interview.

Investigators signature : _____
Date: _____

Bullying & Harassment Procedure

Summary Case Report

To: (Regional Case Manager)

From: (Investigating Manager)

Date: (00/00/00)

IN STRICTEST CONFIDENCE

Case Reference No.	
Complainants Name (<i>in full</i>)	
Complainants Pay No.	
Complainants Grade/Job Title	
Complainants Office of Work	
Date Complaint Raised	

Respondents Name (<i>in full</i>)	
Respondents Grade/Job Title	
Respondents Office of Work	

Investigating Manager	
Investigating Managers Job Title	
Investigation Process	Formal / Review
Date Investigations Commenced	

Record of Interviews: (Please give details of all interviews held in relation to this complaint)

Name of person Interviewed (in full)	Grade/Job Title	Date of Interview

Supporting Evidence List here any evidence given by the Complainant, witnesses or the Respondent that supports the allegations	Conflicting Evidence List here any evidence given by the Complainant, witnesses or the Respondent that contradicts the allegations

Investigating Managers Signature Date

Managers Note - Only front page of this report may be copied and issued as the Summary Case Report for both Complainant and Respondent(s).

Both pages will also comprise as your Summary Case Report to be sent to the Regional Case Manager on completion of the case.

Key Points to Remember

- To be impartial and professional at all times when interviewing all parties
- To be aware of the **28 calendar day timescale** for investigating and concluding the case. However, do not cut corners at the expense of a thorough investigation
- To provide a complete case file which should include; initial complaint papers, all witness statements (including hand written notes), a case summary report form
- To keep the Regional Case Manager updated weekly on case progress. This will be at day 7, 14, 21 and the completion day 28 of the case.
- To liaise, where appropriate, with own line manager to ensure release time made available for investigation of case
- To identify and flag up any issues which need immediate action and should not wait until case is concluded (e.g. removal of graffiti or necessary removal of parties from unit to protect integrity of investigation)
- To inform Regional Case Manager and all parties of any potential delays in bringing case to a conclusion
- On concluding the case, discuss any remedial actions and recommendations with the Regional Case Manager (and/or Senior Manager) and ensure there is a clear understanding of the issues that have been identified for action
- To diary date and revisit the case outcomes with the contacts as agreed. To ensure all actions and recommendations have been completed to timescale
- Where remedial activities are not progressing, to gain an appreciation of the reasons for the delay and flag up the issues to the Regional Case Manager.

Key Contacts

Regional Case Manager	(RCM to insert contact no.)
Regional Service Manager Advice & Guidance	(RCM to insert contact no.)
Bullying & Harassment Helpline	0800 5874777
Employee Health Services	0845 7994400
Legal Services	0208 8681 9191