

## **FACT-FINDING PRIOR TO DISCIPLINARY INVESTIGATION**

### **GUIDANCE FOR MANAGERS**

When a potential disciplinary matter arises it is the responsibility of the Head of Service, Service Manager or line manager (depending on the nature of the case) to arrange a fact-finding exercise to establish whether the circumstances merit a full disciplinary investigation.

An effective fact-finding exercise is a preliminary high-level review of the matter based on available information which will allow the manager to assess whether there is any substance to the allegations, whether it is something that can be dealt with informally or whether it is likely that formal disciplinary procedures will require to be initiated.

Fact-finding is a crucial stage in the process as it may result in avoiding an unnecessary, time consuming and potentially distressing investigation process.

The officer conducting the fact-finding should consider:

- Is the alleged misconduct clear? – What is the allegation? Are the allegations in writing? When did it happen? Could it have happened as alleged? How serious is the allegation?
- What policies, procedures, legislation, standards or agreements are relevant to the allegation? – Has there been a breach of these?
- Is there any evidence available at this point? – records, documents, photos, emails etc.

In conducting an effective fact-finding exercise the officer will:

- Speak informally to those who have been involved in the issue/incident;
- Gather information to understand events;
- Take notes but avoid asking for written statements as this is an informal step;
- Check any relevant recording systems or records;
- Only gather as much information as is required to ascertain whether the issue should be dealt with under disciplinary procedures;
- Avoid straying into conducting a formal investigation.

Likely there will not be complete information at this point, but the officer will want to gather as much information as necessary to determine if a formal investigation is required.

In determining whether to progress to formal investigation it is important that the Head of Service, Service Manager or Line Manager considers the allegation in the context of existing policies, procedures, legislation, standards or agreements to determine if there has been a breach of any of these standards.

Sometimes there may be undesirable behaviour in the workplace, but the behaviour may not actually breach any council policy or other standard. In that case, a full investigation would not be required and an alternative approach to deal with the allegation may be appropriate, such as counselling.

If it is unclear whether there has been a breach of council policy or other standard then an investigation may be required to establish that fact. Fact-finding will also identify any gaps in information that may need to be formally investigated and in this regard will assist in forming the investigation brief.

**Human Resources**  
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