



### Nicky Ackerley BA(Hons)

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# Do I have to attend an investigation meeting?

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An investigation meeting may be a precursor to a formal disciplinary procedure. It is also often undertaken under the following circumstances: if a grievance has been received and needs to be investigated; if an employee has made allegations of bullying; if there are potential disciplinary matters being considered against an employee.

The investigation is a fact-finding exercise. It can consist of meetings, statements, going through records and correspondence and visits – anything that is necessary to determine the facts. Ideally the person doing the investigation should not be the same person who (might) hold a subsequent disciplinary meeting and should not be someone who is involved in the issue of the investigation.

If an investigation is inadequate or not properly done, it can undermine the whole disciplinary process and the employer could potentially face a claim for unfair dismissal if dismissal is the outcome.

### What if you are requested to attend an investigatory meeting?

You should receive a letter when you are invited to the investigatory meeting, it should explain exactly the issues that are being investigated. You should be given some notice of the meeting. Although you do not have a statutory right to be accompanied, you may still be allowed to, so ask if you want someone to be with you – they will not be allowed to answer for you but can take notes.

You may have a contractual right to be accompanied if it would otherwise leave you unfairly disadvantaged; or as a reasonable access requirement for a disabled employee under the Equality act 2010.

You might find yourself suspended whilst the investigation takes place. If you are suspended, you will be on your normal full pay and the period of suspension

should not be unnecessarily protracted. Your suspension should be reviewed periodically if it goes on for some time. It is common for you not to be allowed to meet or talk to your work colleagues during this period. There is some debate about how 'neutral' taking this action is. It is supposed to be neutral and your letter will say that it is, but your employer should still have good reasons for suspending you from work. How your suspension is communicated to your colleagues is important as well. It is usually best for the employer to communicate your absence in a neutral and appropriate way – e.g. sometimes an employer will say an employee is off sick.

When it comes to the meeting, it is difficult for an employer to follow a process if you do not engage with it and you will be able to give your side of the story at the investigation meeting. You could ultimately disadvantage yourself if you refuse to attend.

You should be informed of the outcome – either there is no case to answer or there is, and you may be invited to attend a disciplinary hearing.

You may be asked to attend the investigatory meeting as a **witness**, and not the person who is being investigated. In this case you will probably be asked some questions, or you may be asked to make a statement. It is common practice to be asked to maintain confidentiality about the investigation and it is very important that you do this (it may be considered to be a disciplinary matter if you do not).

An investigation is an important process that needs to be followed correctly and thoroughly. For it to be effective it usually needs the cooperation of everyone involved and this is the best practice for the correct outcome.

For further support with this or any other HR issue, BVNA members can call the BVNA Advisory Service Helpline on 01822 870270 or email [nickyackerley@hrsupportconsultancy.co.uk](mailto:nickyackerley@hrsupportconsultancy.co.uk)