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MEMORANDUM

Address

To:

From:

E-Mail:

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cc:

Tel:

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Status: For Action

Date:

INVESTIGATION OF MISCONDUCT - BT DISCIPLINARY PROCEDURE (YOUR ROLE & RESPONSIBILITIES)

Following your enquiry regarding allegations of misconduct concerning an individual, the attached guidance document is provided to assist you in carrying out a careful and thorough investigation.

It is important that you read this information carefully in order for you to discharge your responsibilities effectively in ensuring that the integrity of BT's Disciplinary Procedure is maintained. Should you have any questions or require further advice please contact the Discipline Field Team on the above number.

Before you can decide what disciplinary action, if any to take it is important to establish the facts surrounding the allegation of misconduct. This can only be done by carefully investigating the situation thoroughly. The course of any investigation will be determined by the circumstances of the case. However it is important that you start documenting all relevant details from the outset - the attached document will assist you in that task. Throughout the disciplinary investigation you must treat all the information you receive confidentially and not pre-judge the outcome, prior to having access to all of the facts. You will not be able to form any recommendation until you have conducted a Fact Finding Interview, which will determine whether a full disciplinary investigation is required.

During the whole investigation it is important to take notes of important dates and conversations with all relevant parties - for example, conversations between BT and the e-peopleserve discipline team.

The attached guidance information (guidance notes xx) will assist in completing your investigation. A blank pro-forma (form xx) is also provided for you to use when documenting details of your investigation. You should also refer to ISIS documents PNL/EMP/H030 (General Disciplinary Procedure) and PNL/EMP/H010 (BTs Basic Conduct Rules). The length of the report is irrelevant as long as all the relevant facts are available. The Discipline Team will help you at any point during the investigation of the alleged misconduct.

Refrain from using BT speak or jargon and explain things clearly. This document may be seen by BT and non-BT people who will not understand the intricacies of your day to day work. Above all remain open minded during your investigation and do not pre-judge. Decisions on the way forward can only be made after you have completed your investigation.

Guidance Notes (GN xx) for completion of Misconduct Investigation Report (Form xx)

Contents

1 - Line Managers Report /Introduction

2 - Sequence of Events

3 - Evidence Gathered

4 - Fact Finding Interview

5 - Written Explanation

6 - Conclusion and Recommendation

Appendices



Pre-Fact Finding Interview



Post-Fact Finding Interview

1. Line Managers Report/Introduction

To be completed prior to Fact-Finding Interview

Guidance on Completion of Investigation - 1. Line Managers Report

PURPOSE

- To explain why you are carrying out an investigation into an incident of alleged misconduct

WHAT TO DO

- Prepare a report detailing the reasons for investigation etc. An introduction to the whole report sets the scene.

WHAT TO DOCUMENT

- What has been alleged? What offence has the individual allegedly committed?

- How has the issue come to light, e.g. a complaint, observation?

- When did the issue come to light?

- Who raised the issue?

- What has triggered the investigation?

- What did you do to investigate the alleged incident?

- Any other relevant facts?

2. Sequence of Events

Guidance on Completion of Investigation - 2. Sequence of Events

PURPOSE

- By recording the sequence of events you will ensure clarity for others who may have to advise on the case as well as assisting other Managers to deal with the case if the issue needs to be dealt with at a higher level.

WHAT TO DOCUMENT

- Summarise the key dates relating to the incident, i.e.-when the alleged incident occurred etc.- Log down in date order any key milestones in the case, keeping brief notes of what happened, e.g. date alleged misconduct occurred, date of Fact Finding Interview, Telephone conversations

- Update as you progress through the investigation of the case

3. Evidence Gathered

To be completed prior to Fact-Finding Interview

Guidance on Completion of Investigation - 3. Evidence Gathered

PURPOSE

- To list any relevant evidence with an explanation of what the evidence is actually showing

WHAT TO DO

- The type of evidence required will depend on the circumstances and the nature of the alleged misconduct. Examples of evidence supplied in other Discipline cases, (the list is not exhaustive):

Timesheets, training records, team brief records, People News, Safety Memos, briefings, local instructions, QMS documents, ISIS documents that cover the process in question, witness statements, written complaints, 1:1 records, photographs, tape recording, video evidence

- Remember - any evidence obtained will be released to the individual - witnesses should be made aware of this fact.

WHAT TO DOCUMENT

- List the evidence gathered

- Explain what the evidence shows

- Attach the evidence to this report as appendices, clearly marking each document - i.e. "Appendix 1 " so that reference can be made to them in your report.

4. Fact Finding Interview

(Having completed stages 1-3 of the process and discussed them with the Discipline Field Team you are now in a position to conduct the Fact-Finding Interview).

Guidance on Completion of Investigation - 4. Fact Finding Interview

PURPOSE

- To establish the facts with the individual and obtain the individual's versions of events

WHAT TO DO

- Carry out the interview in a private place away from others
- Treat all information confidentially
- Carry out the interview 1:1 (the individual does not have the right, to be accompanied at this stage. However, if requested you should consider whether it is appropriate to have a friend present to accompany the individual. E-peopleserve should be contacted in these instances for further advice. This will assist you in establishing the facts and it will encourage the individual to raise any personal issues.
- Put all the information you have to the individual at the start of the interview and **check that they understand the nature of the allegations**. Do this by telling them that you are conducting this Fact Finding Interview under BT's Disciplinary Procedure - however stress that no decision at this stage has been taken as to what action if any will result.
- Listen carefully to the individual's version of events
- Ask any questions if you feel it will clarify the situation
- Conclude the interview by telling the individual that you will consider their comments carefully before making a decision on what action if any is necessary.

WHAT NOT TO DO

- **Do not** allow the interview to turn into a Formal Discipline Interview. This may be unfair, as further investigations may be necessary.

Throughout the investigations and the course of the interview, it is imperative that you do not pre-judge the outcome and is in direct contravention of the Human Rights Act 1998.

WHAT TO DOCUMENT

- Keep a full written record of the interview, - your questions and the individual's responses.
- Both you and the individual should sign the record of the fact-finding interview.

WHAT TO DO NEXT

- It may be necessary to make further investigations or gather further evidence. If the individual has raised an issue that cannot be answered you must find the answers by carrying out further investigations.
- It may also be necessary to carry out a further fact finding interview. If it is follow the guidance above and speak to the Discipline Field Team for further advice.

5. Written Explanation - Only required in Serious Offence Cases

Post fact finding Interview

Guidance on Completion of Investigation - 5. Written Explanation

PURPOSE

- A written explanation is only required in cases of alleged Serious Misconduct. However misconduct may only be deemed serious once you have held the fact finding interview and considered all of the evidence in conjunction with the Discipline Team.

- *Allows the individual to put in writing their version of events. It may be that they will be able to communicate their version of events better this way. It will also give them time to collect their thoughts.*

WHAT TO DO

- *Complete the blank pro-forma 'Written Explanation' contained in the attached document then hand it to the individual. This is simply a written request from you to the individual for a written explanation. The letter also makes reference to the seriousness of the alleged offence and makes reference to the types of disciplinary action they could face.- Give the individual reasonable time (no more than 24 hours) to complete the written explanation.*

WHAT TO DOCUMENT

- *Keep a copy of your written request for a written explanation, attach as an appendix to this report*
- *Attach the written explanation from the individual to the report*

6. Conclusion and Recommendation

Post Fact finding Interview

Guidance on Completion of Investigation - 6. Conclusion and Recommendation

PURPOSE

- *To report the conclusions you have reached after the completion of your investigation*
- *To recommend what action is necessary to deal with the misconduct.*

WHAT TO DO

- *Consider all the facts including the employee's explanations and, in consultation with the Discipline Team, decide which of the following actions is appropriate with regards to Company Policy and consistency:*

*NO ACTION
FORMAL WARNING*

*INFORMAL WARNING
SERIOUS OFFENCE PROCEDURE*

WHAT TO DOCUMENT

- *What you believe has happened - which should include full details of any facts that have clearly been uncovered as a result of investigations. This is particularly important in cases where the individual has denied the misconduct. The weight of evidence you have gathered may discount the individual's denial of the misconduct. If this is the case, you should make reference to this in your report.*
- *The reason for your decision.*
- *State the factors that have influenced your decision.*

WHAT NOW

- *The Discipline Team will now advise and guide you depending on the recommendation you have made.*

Appendices

Guidance on Completion of Investigation - Appendices

WHAT TO DOCUMENT

- *List appendices*
- *Mark all appendices so that reference can be made to them in the report*
i.e. Appendix 1 Appendix 2