

Guidance

Title: Appointment of External Investigators

From: Human Resources/Employee Relations

Date: March 2022

This guidance should be read in conjunction with the document '[Investigation Guidance](#)'.

What is the purpose of an investigation?

In accordance with the relevant University procedures, an investigation is conducted in order to inform the decision-making process. An investigation usually consists of gathering information, facts and evidence in order for the investigator to be able to effectively make recommendations to the decision maker with regard to the issue(s) subject to investigation. Where it has been determined that an issue(s) requires investigation, the investigation should:

- be conducted as quickly as possible
- be fair and objective
- follow relevant University policies or guidelines
- get as much information on the case as is reasonable
- not try to prove guilt, but obtain balanced evidence from both sides
- be kept confidential

It is important that the person responsible for carrying out such an investigation has no prior involvement in the issue(s) and has training or previous experience of conducting such investigations.

Why would the University use an external investigator?

The University has made a number of efforts to develop the quality and efficiency of internal investigations and therefore the use of external investigators should be as an exception.

That said, there may be circumstances, where an external investigator who is free from bias and/or prejudice or offers specialist skills, experience and/or knowledge within the issue(s) under investigation may be more appropriate.

External investigators are experienced and specially trained in effectively conducting workplace investigations. This level of experience and training can often lend support to those individuals who are actively involved in the process, in ensuring they feel that a fair and thorough process has been undertaken. The investigator will also be able to effectively deal with any complexities and/or sensitivities that may arise from the investigation itself.

When is it appropriate to appoint an external investigator?

We have outlined below in those circumstances where the University feel it may be necessary to engage an external investigator:

Impartiality/Bias

In cases where impartiality or bias of those involved, the issue(s) at hand, or the institution are jeopardised, to ensure a fair and objective investigation can be undertaken, without bias and/or prejudice.

Complexity/Sensitivity of the issue(s)

In cases where the allegation(s) or issue(s) to be investigated appear highly complex and/or highly sensitive, such as allegations of sexual misconduct/harassment or where an investigation would benefit from specialist skills, knowledge and experience in approaching complex or sensitive subjects.

Seniority/Profile

Senior, long standing or employees with a certain status may be well known across the University and impartiality or bias may be difficult to remove. In accordance with those procedures requiring investigation, finding an employee of appropriate stature and/or level may be severely restricted by nature of the role of the individual in question.

Unreasonable Delay

Where all reasonable attempts have been made with no success, it may be appropriate to appoint an external investigator if waiting for an internal investigator is likely to result in an unreasonable delay to the investigation. An unreasonable delay to undertake an investigation poses a risk to the wellbeing of the individuals involved, as well as breaching ACAS and HR best practice.

What approval do I need to appoint an external investigator?

Should the Faculty/Professional Service determine that an issue meets the above criteria, they must discuss the issue with HR as soon as possible for advice. HR will ensure that where necessary all reasonable steps have been taken to commence the investigation without the need to appoint an external investigator.

Where it is deemed appropriate to appoint an external investigator, the Dean/Executive Director and the HR Business Partner for the Faculty/Professional Service must agree that the above criteria has been met. If agreed, final approval and sign off should then be requested from the Senior Vice President, Academic.