



**Regionally Focused – Globally Engaged**

# **Support for Staff Involved in an Investigation Policy**

**(including Complaint,  
Discipline, Grievance etc)**

**February 2021**

## History of Changes

Version	Description of Change	Authored by	Date
1.0	New Policy	D Kerr	February 2021

### 1. Introduction

The College recognises that staff involved in incidents and/or investigation processes may find them traumatic and stressful regardless of the extent of their involvement or other contributing factors.

The College has a duty of care to look after the wellbeing of any staff exposed to a traumatic incident to ensure that they are appropriately supported. Likewise, staff need to be aware of exactly what support is available to them, both internally and externally, in the short and longer term.

This policy aims to ensure that adequate support systems are in place for staff who have been involved with, or directly affected by, incidents, complaints or claims, regardless of the extent of their involvement. This will also include being involved in cases of safeguarding children or adults and incidents of harassment and/or bullying or violence and aggression.

The principles of providing support to staff detailed in this policy also extend to staff who may experience challenging situations when appearing as a witness, be it at an internal hearing or in a court of law (including an employment tribunal), or professional body hearing.

Involvement in a serious adverse event, complaint or claim can have profound consequences on those staff members involved who may experience a range of reactions from stress to depression to shame and guilt. It should also be recognised when applying this policy that different individuals will have differing responses to the same incident, claim or complaint and will therefore require differing levels of support. During, or immediately after, an incident has occurred it may be necessary to provide support for all staff involved.

Any support offered should remain confidential to the individual. However, there may be occasions when it is appropriate, in the interests of the individual and, subject to their agreement, for an investigating manager to be made aware of their support needs.

It is also important for staff, including individuals who may be absent from work through sickness or suspension, to be kept informed of the progress of any incident, complaint or legal investigation in which they have been involved. In particular, staff must be made aware when the investigation has been completed and the findings, recommendations and any action to be taken should be communicated to them. They must also be provided with the opportunity to ask any questions they may have.

### 2. Scope

The policy applies to all staff involved with, or directly affected by, incidents, complaints, whistleblowing or claims.

### 3. Key Principles

The aim of the policy is to ensure guidance is provided to staff who require support as a result of being involved in an incident, complaint, whistleblowing and/or claim. The policy aims to reduce the risk of staff failing to receive, or being offered, adequate support and will also offer a means of signposting staff to both internal and external support mechanisms.

The purpose of the policy is to:

- clarify the availability of support to staff, both internally and externally, in the event of them being involved in a traumatic or stressful incident, complaint, claim or investigation.
- provide managers with guidance on supporting staff in these situations.
- provide staff with details of how to access the support available regardless of the extent of their involvement or other contributing factors.
- help reduce the likelihood of staff being absent from work or leaving the College as a consequence of poor experiences following traumatic and/or stressful incidents or investigations.

The provision of support in these circumstances does not preclude the taking of formal disciplinary or other action after an investigation if appropriate.

A traumatic or stressful event – one that invokes unusually strong emotions, overcoming normal coping abilities. Examples of such incidents may include the following although the list is not intended to be exhaustive:

- serious incidents, complaints or claims.
- allegations of negligence.
- dealing with a major incident.
- involvement in cases of safeguarding children or adults.
- involvement in cases of bullying and/or harassment.
- attendance at court hearings.
- involvement in an incident of violence or aggression, whether as a victim or witness.
- disciplinary and competency investigations and hearings.
- tribunals.
- involvement in raising a concern.
- police enquiries or investigations/counter-fraud investigations.
- professional conduct hearings.
- any forms of discrimination (direct, indirect, harassment or victimisation) on the grounds of age, sex, transgender, gender reassignment, race, colour, culture, ethnic origin or nationality, religion or belief, marriage or civil partnership, pregnancy and maternity, sexual orientation or disability.

### 4. Responsibilities

4.1 The Regional Board is responsible for approving this policy and for overseeing compliance with its principles.

4.2 The Head of HR is responsible for the implementation of this policy.

4.3 All staff are responsible for ensuring compliance with this policy.

#### 4.4 Role of Line Managers

The responsibility for ensuring the application of the policy lies with the Senior Leadership Team who will delegate day-to-day responsibility to line managers.

#### 4.5 Line Managers will ensure:

- incidents/allegations of negligence are reviewed in order to ascertain whether there is a need to offer support to individual members of staff.
- immediate support is offered to staff who are involved in an incident, complaint or claim.
- appropriate action is taken if a member of staff is experiencing difficulties.
- advice is sought from Human Resources and the Occupational Health Service as required.
- staff are advised as appropriate to contact their trade union/professional organisation (see Appendix 1, Useful Contacts).
- the support offered to individuals is reviewed to ensure any learning points are identified for future cases.

#### 4.6 Role of Line Managers

Line managers are responsible for providing immediate and ongoing support to staff who are involved in traumatic or stressful events and will:

- act as the first point of contact (the named contact) for an individual seeking support. If there is a conflict of interest, the manager will seek assistance from their line manager or equivalent who will ensure appropriate, immediate and ongoing support is offered.
- be aware of all the relevant College policies and services available to support staff.
- respond positively and promptly to staff that highlight an issue, need or concern.
- offer support to staff and ensure, if required, that immediate and ongoing appropriate support, such as counselling and professional advice, is made available.
- where applicable, advise the member of staff to contact their trade union or professional body (see Appendix 1, Useful Contacts).

- ensure that, where appropriate, a referral is made to the OH Service and/or the member of staff is informed of the self-referral route to OH or the confidential counselling service.
- ensure any recommendations from the OH Service are followed through.
- where appropriate, and subject to the individual's agreement, ensure that the investigating manager is made aware of staff support needs and that all offers of support are documented.
- work through the Supporting Staff Checklist (see Appendix 2) with any member of staff, offering support and assistance as appropriate.
- forward a copy of the completed Supporting Staff Checklist to HR, who will retain a copy on the staff member's personal file as a record of the support offered.
- ensure that the principles of fairness and equity are applied in every case.

### **4.7 Role of Human Resources Team**

The HR Team will promote the policy throughout the organisation and will:

- offer support, advice and guidance to all levels of managers and staff on the application of the policy.
- work with line managers and trade union/professional body representatives to identify training needs and help meet them.

### **4.8 Role of Occupational Health Service**

The OH Service, which is independent from the College will:

- provide access to a confidential counselling service for staff that require support when involved in an incident, complaint or claim.
- offer advice to the line manager regarding support of the individual.
- signpost staff to appropriate external sources of support where this is thought more appropriate.

### **4.9 Role of individual staff**

All staff members are responsible for:

- informing their manager if they are experiencing difficulties associated with a situation, or the requirement to act as a witness, to enable their line manager to support them directly.
- raising issues in an appropriate and timely manner with their line manager or, if they feel unable to do this, with another appropriate party.
- requesting referral or self-referring themselves to the Staff Counselling Service, OH or HR if they are experiencing difficulties.
- working in partnership with their line manager, colleagues, peers and trade union/professional body representatives where appropriate.
- informing their manager if time is required away from the workplace to attend any meetings associated with the situation (eg: court proceedings or counselling/support sessions).

### 5. Procedure

Staff can often feel vulnerable when involved in investigations and incidents. Individuals, regardless of their grade or position, may often feel anxious about their involvement and role in the process. The support required by the member of staff may differ, depending on what the issue is and their individual needs, and will be provided or arranged by their manager or other appropriate person.

The following are examples of support that can be considered and discussed with the staff member's line manager in the first instance:

- clear, concise information regarding the investigation/proceedings.
- an agreed timetable for case review and communication with the individual.
- arranging a meeting with a representative from the HR Practitioner team.
- referral for an appointment with OH and/or the confidential counselling service.
- access to a mentor.

Where it is not appropriate for the first point of contact to be the line manager, the line manager's line manager should identify an alternative point of contact. Further guidance can be obtained from HR.

#### 5.1 Immediate support

##### *Individual debriefing*

In all cases, as soon as managers become aware that one of their staff has been involved in a potentially traumatic or stressful event, they should offer immediate support to them. Much of the reassurance required by the staff member can be provided by the manager informing them of the process and referring them to appropriate internal or external resources.

It is very important for the manager to provide close support in the immediate aftermath of an event. This is a vital time to help the individual involved in the situation keep the issues in perspective and not feel, or become, isolated.

The manager should:

- arrange a one-to-one meeting with the staff member to debrief in a confidential, suitable environment.
- ensure the member of staff is given time to talk and is listened to so that they feel supported.
- ensure arrangements are put in place for the staff member to receive any required medical assessment or treatment (eg: if they are in shock or suffer from a pre-existing medical condition that may have been exacerbated by the event).
- ensure the requirement for a further 24-48 hour debrief meeting is discussed and appropriate arrangements put in place.

- ensure referral to other sources of support are considered and, if required, appropriate arrangements made.
- ensure advice is offered concerning any requirement to write a statement. This may be provided by the manager, a member of the HR team, or representatives from a professional body to whom the staff member belongs. Their trade union may also be able to provide assistance.

### *Group debriefings*

A group debriefing is sometimes useful where there are several members of staff who would value this type of discussion.

Such a session (which would normally be led by a senior manager) requires strong leadership to avoid an atmosphere of recrimination and blame. It must have, primarily, an educational focus and can be usefully based around a presentation of the case and a reappraisal of the options, judgements and decisions that were made or could have been made. It is particularly helpful for the debriefing to take place as soon as possible after the event and all individuals should have the opportunity to participate.

Group debriefings, however, do not substitute for individual care and support for the parties concerned.

### *Ongoing support*

Individuals, regardless of grade and position, may often feel anxious about their involvement and their future role in any process. Managers should treat each case individually and acknowledge that different people will require different levels of support.

Following the immediate one-to-one support meeting the line manager or appropriate person should ensure that the level and type of support agreed at that meeting is in place and is sufficient to adequately support the member of staff.

If the member of staff continues to experience difficulties associated with the event further support may include:

- the HR team who will be able to talk to staff on a confidential basis and offer guidance, support and, wherever possible, signpost staff to external agencies who may be able to help.
- the OH Service who can provide support and/or counselling.
- trade union and professional bodies who have arrangements in place to support and guide members through a wide range of work and personal situations.

Further useful contacts are identified in Appendix 1.

It should be remembered that a complaint, claim or court appearance may arise some considerable time after the actual event occurred. This does not alter the fact that this may be equally traumatic for staff and support may be required at that stage.

### **5.2 Advice and support available to staff called as a witness**

The prospect of having to give evidence in a court of law or at a tribunal can be extremely daunting and appropriate support is essential, particularly if the staff member has not previously been a witness.

From whom support is provided, or by whom the staff member will be accompanied, will be dependent on the event for which the staff member has been called to give evidence. Those who can provide support include: the College solicitor, the line manager, the senior manager, a member of the HR team, a member of a professional body to whom the staff member belongs, a line manager or a colleague.

Prior to the event a full briefing session will be held with support and advice being provided by one or more of the team described above.

During the event the member of staff may be accompanied at the court or tribunal by one or more of the team described above.

After the event a debrief meeting will be held to discuss the events surrounding the court appearance and the outcome.

Where a member of staff is required to attend court or a tribunal as a witness for the College, then the College will ensure they receive time off without loss of earnings and payment of reasonable expenses in line with appropriate College policies.

## **6. Supporting staff guidance checklist**

Managers should utilise the 'staff support guidance checklist' (Appendix 2) to ensure that all staff are provided with timely and appropriate support, either internally or externally, as listed in Appendix 1.

The checklist should be completed and retained by the manager until the matter is at an end. Once complete, the checklist should be forwarded to HR so that it can be retained in the individuals personal file.

The checklist can be used on an individual basis or for a group, for example when a group of staff from the same department are involved in the same incident, complaint or claim.

## 7. Related Documents

All College policies and procedures.

## 8. Review

This policy will be reviewed every 3 years, or earlier if necessary.

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## Useful contacts and providers of support

### Internal

- Human Resources **01896 662501**
- Equality and Inclusion Officer **01896 662541**
- EIS Contact HR for details
- UNISON Contact HR for details

### External

- Occupational Health Service **01896 825982**

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## Supporting Staff Guidance Checklist

### Staff Support Guidance Checklist – Confidential

**Note to managers:** the following checklist should be completed for all staff involved in an incident, complaint or claim, noting that Section 5 is for use in respect of witness appearances only. Where a group of staff are involved in the same incident, claim or complaint, please attach a list of their names to the form.

Please retain this form on the staff member's personal file in HR.

#### Section 1 – to be completed by line manager

Name of staff member requiring support:

Job title of staff member requiring support:

Preferred contact number:

Reason for support:

Date of incident:

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**Section 2 – to be completed by line manager/other named contact at one-to-one meeting**

Date of one-to-one meeting:

1. Was immediate support/debriefing offered?
2. Was a copy of the policy (including information on useful contacts and providers of support) brought to the attention of the staff member?
3. Was a referral to the OH Service discussed with the staff member?
4. Was counselling support discussed and offered to the staff member?
5. Have temporary role adjustments, redeployment or reassignment of duties been considered?
6. Has further support been offered to the staff member, eg: HR practitioner team, trade union, professional body, legal advice?
7. Has the need for ongoing or long-term support been discussed?
8. Has a second debriefing (24-48 hours) been offered and/or a review timetable agreed?
9. Please provide details of relevant College policies advised to staff member.

**Section 3a – to be completed by line manager/other named contact at second debriefing meeting**

Date of second meeting:

Please provide details of any additional support agreed.

**Section 3b – to be completed by line manager/other named contact**

Please provide details of agreed review timetable.

**Section 4 – to be completed by line manager**

Please provide details of relevant hearing or meeting dates.

**Section 5 – to be completed by line manager in respect of witness appearances only**

Has the staff member:

1. been briefed about the process?
2. been offered support in statement writing?
3. Been offered support in preparation for the hearing?
4. been provided with support on the day of the hearing?
5. been offered a debriefing after the hearing to discuss the outcome and the availability of any further support or counselling that may be appropriate?

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**Section 6 – to be completed by line manager when the matter is complete**

Has the staff member:

1. been advised that the matter is complete?
2. been advised of any findings, recommendations and actions to be taken?
3. been given the opportunity to evaluate the effectiveness of the support received by completing and returning the staff evaluation form to Head of HR and Development?

Please provide details of any learning points for the future.

Line manager's signature:

Print name:

Job role:

Date:

When complete, please send to the HR Department who will retain a copy on the staff member's personal file.

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