

### **REPORTING & RECORDING RACIST INCIDENTS INVESTIGATION CHECKLIST**

#### **Formal or Informal investigation**

*Managers must refer to the "Management Guidelines for Preventing and Tackling Harassment and Bullying" A Guide for Supervisors and Managers. Managers should also take advice from their Personnel/Human Resource Section. Advice can also be provided by the Equality and Diversity Team, Human Resource Services.*

Depending on the severity of the incident managers need to decide whether they should undertake an informal investigation (*Section 8 Dealing with harassment and bullying: informal action*) or whether they need to follow a more formal process of investigation through a recognised procedure. (*Section 9 Dealing with harassment and bullying: formal action*).

Your investigation should be in keeping with the severity of the allegation(s) and the evidence presented. Therefore, if at any stage there is prima facie evidence of serious harassment or bullying (or any evidence of sexual or racial harassment, any illegal discrimination or breach of the Equality & Diversity Policy) then the investigation should shift status to a formal disciplinary investigation and follow that procedure.

#### **When to consider an informal approach**

In the absence of a formal grievance complaint, an informal approach should be considered where:

- The complaint relates to a relatively minor or single incident of harassment or bullying, for example a mild inappropriate joke
- The complainant wants the matter to be dealt with informally
- the alleged perpetrator is new or has never behaved in such a way before
- the harassment or bullying was minor and unintentional and drawing it to the alleged perpetrator's attention is sufficient to stop the behaviour
- In the supervisor/manager's view, it is the most appropriate approach in the circumstances. NOTE this course of action will have to be justified objectively in every circumstance.

#### **Taking action**

- Form RRI 1 must be completed and sent to your Personnel/Human Resource Section
- Seek advice, for example from your Personnel/Human Resources Section
- Talking to the complainant and other employees about the incident to assess the extent of the problem and their feelings about it
- Interviewing the alleged perpetrator; where you are clear that the allegation is true, tell them why the behaviour is unacceptable and set standards of expected behaviour

- Set ground rules for behaviour and work relationships, perhaps involving employees affected by the behaviour
- The supervisor or manager may give an informal oral warning of possible formal action for any repeated similar behaviour
- Follow up action may be required for example through training, section/team meetings.
- It is important to always review the impact of any informal action taken
- It is not always possible to resolve the situation to the complainant's satisfaction. Inform the complainant of their right to implement the grievance process.

### **When to consider a formal approach**

In all cases formal investigation and/or action must only be taken under the grievance and/or disciplinary procedures and the appropriate procedure fully adhered to.

- The complainant raises a formal grievance
- There is a serious allegation of harassment or bullying
- The harassment or bullying has had a serious impact on the complainant.
- An informal approach to resolve the situation has failed
- Where the issues are complex, extend over a long period and a thorough investigation could identify the cause of the problems and indicate effective strategies.
- In the supervisor/manager's view, it is the most appropriate approach in the circumstances.

### **Taking action**

- Form RRI 1 must be completed and sent to your Personnel/Human Resource Section
- Always take advice from your Personnel/Human Resource Section
- It may be necessary to take immediate action eg. Suspension, however, this should be seen as an action of last resort and must be taken in line with the Disciplinary & Work Review Procedure. Suspension must be considered if the allegation could amount to gross/serious misconduct and therefore result in summary dismissal if it were proven (**Refer to section 9.6**)
- It may be necessary to consider granting special leave or referral to other support services.
- The Service Head (or designated manager) will select a suitable officer to investigate the complaint.
- The investigating officer should arrange with the appropriate departmental Personnel Section and/or the Equality and Diversity team for someone to help and advise during the investigation.
- Employees interviewed during the investigation will have the right to be accompanied by a colleague or trade union representative at all stages. Employees should also be allowed a translator, interpreter or facilitator if necessary.
- Arrange times to see the witnesses already identified. The witnesses are not being investigated and so they do not have a right to see the complainant or alleged

perpetrator's statements. Witnesses should be instructed that the matter is confidential.

- Before writing the report it is useful for the investigating officer to consider if the level of investigation has been appropriate to the complaint. If not, go back and investigate further
- The report should be a clear and concise account of the investigation.
- The Head of Service will need to decide what action to take on the basis of the report of the investigation. S/he should decide and may wish to discuss the report with the investigating officer before making a decision.

## **General Principals**

- Any investigation must be completed quickly (*Grievance/Disciplinary Procedures*)
- Confidentiality must be maintained at all times
- Ensure that the investigating officer has the requisite skills to conduct the investigation.
- Terms of reference are drawn up
- Ensure there is no conflict of interest
- Be aware of appropriate sources of advice/support