**TERMS OF REFERENCE OF AN INVESTIGATION TEMPLATE**

**Terms of Reference**

**An investigation into *[insert title of investigation here]***

**Introduction**

A disciplinary investigation is required to establish the facts relating to an allegation of misconduct. The findings of this investigation should be documented and may inform a disciplinary process. These terms of reference set out how the investigation should be conducted and how and when the outcome document should be submitted.

**The investigating manager**

The investigating manager will be *[insert name]*. The role of the investigating manager is to own the investigation and take decisions relating to it. The investigating manager will lead all of the investigation meetings and reply to any queries from people involved in the investigation. The investigating manager is accountable for the completion of the investigation and submission of the final report.

The investigating manager will be supported by *[insert name of supporting colleague – this will most likely be an HR colleague]*. The role of the supporting colleague is to provide procedural and other advice to the investigating manager and attend investigation meetings and interviews. The supporting colleague is also able to take notes of the investigation meetings on the investigating manager’s behalf.

**How the investigation will be conducted**

This investigation is to be conducted in a fair, impartial and timely way. The investigation is not intended to ‘build a case’ against an individual but to establish facts and make recommendations based on the application of our employee policies to those facts.

Given the potential sensitivities inherent in investigations, it is important that everybody involved in this process respects confidentiality and acts with discretion. The Investigating Manager is responsible for role modelling these behaviours and ensuring that the witnesses interviewed understand that they also need to respect the confidentiality of this investigation.

**The matters to be investigated**

The matters to be investigated are:

Term of Reference 1 (TOR1) To establish the facts surrounding an allegation that *[insert allegation. There may only be a single allegation, but, if there is more than one, list the others in a similar way]*.

Term of Reference 2 (TOR2) *[Insert the second issue to be investigated]*.

Term of Reference 3 (TOR3) *[Insert the third issue to be investigated]*.

There is no need for the investigating manager to investigate issues which are not disputed. In this case they include *[list any issues which are not disputed]*.

A list of documents is attached that will be provided to the investigating manager. Other documents may be identified and used by the investigation manager in the course of this investigation.

**Timescales**

It is expected that the investigation will be completed by *[insert target completion date]* and that a report will be submitted to *[insert name]* by *[insert deadline date]*. Investigating managers are reminded that undue delay can, in itself, be considered prejudicial. Against that background the reasons for any delays, and actions to mitigate the impact of those delays, should be clearly recorded.

**The investigation outcome**

The investigation outcome will comprise an overview of the facts that have been established and any that remain unclear. The documentation will include a view on whether or not there is a case to answer. The test here is whether on a ‘balance of probabilities’ it is more likely than not that misconduct has taken place.

If the investigating manager has any questions or concerns about this investigation, they should seek advice initially from their supporting colleague and then from the manager who has commissioned the investigation.

**List of documents to consider (non-exhaustive)**

*[List the documents here that the investigating manager will be given and expected to review. These will include any of the allegations in the form they were received ie, emails, letters, notes of telephone calls etc. The relevant HR or other policies should also be listed here if you want the investigating manager to refer to them in the investigation report]*.

**List of witnesses to interview (non-exhaustive)**

*[List the witnesses here along with their contact details (unless this will be obvious in your organisation) and job titles. If you think it will be helpful, it is also possible to include a short line for each on why they are witnesses]*.