

TERMS OF REFERENCE TEMPLATE

Matter/s to be investigated (Allegation)

The allegation should include a description of the alleged incident/s, place, time and date. [Attach a copy of the allegation / Fairness at Work Complaint form/letter of complaint and provide as much detail as possible; include any notes, emails, etc already submitted as part of the allegation or complaint.]

Template Terms of Reference

TOR to be drafted by the Designated Manager and discussed with the Investigating Officer

Note: In the event that the Investigating Officer wishes to clarify aspects of the TOR or if additional issues are raised during the course of the Investigation, they should revert to the Designated Manager to review the TOR.

TOR may include the following:

<p>Designated Manager Name, [Department]</p>	<p>Investigating Officer Name....., [Department]</p>
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The purpose of this Terms of Reference is to commission an Investigation into a complaint / allegation made by, Complainant, of [Department.....] against....., Respondent, of [Department.....]

Delegated Authority

You act with my authority in conducting this Investigation.

Method

Your Investigation will be conducted under the ... Policy. You should also refer to[insert any other relevant policy / procedure / code if appropriate]

Scope of the Investigation

The Investigation will focus on (specify the allegation/incident/complaint/concern)

Exclusions

Specify anything that will not be included in the Investigation if appropriate.

Witnesses

You should see such witnesses as necessary to ensure the effective conduct and completion of the Investigation.

Timeframes for the Investigation

It is anticipated that the Investigation will start week commencing [Date] and should be completed as soon as possible. Every effort will be taken to expedite the process, however if delays prove unavoidable relevant parties must be kept informed on a eg weekly/bi-weekly basis.

An acceptable timescale for this Investigation should be discussed between the Designated Manager and the Investigating Officer. The Investigation should be completed as soon as possible and every effort should be taken to minimise delays; however, if this proves unavoidable relevant parties must be regularly updated.

Responsibility of Investigating Officer

The Investigating Officer will:

- carry out the Investigation in accordance with appropriate policy/ies and Terms of Reference and
- provide a final report to the Designated Manager.

Report

The report will include all relevant evidence gathered, including witness statements, and will be referred to, Designated Manager, for further consideration and any necessary action. A summary of the findings of the Investigation will be sent to the respondent (and complainant in the case of a Fairness at Work Policy and Guidance Investigation). Only if the Investigation is followed by formal proceedings (eg disciplinary hearing) would the full Investigation report containing the original complaint appendices and witness statements be shared with the appropriate parties.

Confidentiality

This Investigation operates under a strict code of confidentiality within the requirements of the law. All information will be kept confidential and it may be appropriate to consider password protecting sensitive documents sent via email. However, all parties should be aware that the potential exists for claims made under this Policy to proceed to a disciplinary procedure and in such instances witness statements and other information would need to be disclosed to a third party. In addition, where Investigating Officers consider that a criminal offence may have been committed they are required to contact and disclose the information to the Police.