

Inquiry or Investigation?



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Guidelines for Selecting the Most Suitable Process

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Inquiry

Definition:

Inquiry is a process to gather further information by identifying trends, patterns and examples without identifying individuals.

Purpose:

To provide a no-blame process in which the terms of reference are broad and employees have an opportunity to discuss their workplace experiences in line with the terms of the brief.

Outcome:

To deliver a written report that presents the following information:

- The brief for the inquiry,
- A description of the inquiry process,
- Information gathered,
- Analysis of the information,
- Recommendations on actions to improve the situation,
- Options to deal with the situation, and any workplace issues that may arise as a result.

When to Conduct an Inquiry

- Concerns have emerged from one or more sources, eg, management, HR, Grievance Officers and from more than one person and involving numerous people.
- A number of complaints or grievances have emerged from a particular work location.
- Matters complained about do not clearly breach any policies or laws.
- More information is required for management to diagnose the problem or identify a suitable solution.
- Systemic or environmental factors are likely contributors to the problem.
- Restructure or other organisational changes are occurring.
- Individuals require anonymity in order to come forward.

Our consultants are very skilled in:

- *Conducting investigations to a high standard;*
- *Assisting employers conduct their own investigations;*
- *Providing training in conducting and reporting investigations; and*
- *Assessing suitability for inquiry/investigation or ADR methods.*

Investigation

Definition:

Investigation is a formal process to examine specific allegations so as to establish the facts and determine whether individuals have breached policy or law.

Purpose:

To provide a structured process so that allegations can be tested in accordance with the principles of natural justice, due process and confidentiality.

Outcome:

To deliver a written report that presents the following information:

- The brief for the investigation,
- A record of action taken to investigate the formal allegations,
- Information revealed and facts identified,
- Analysis of the facts,
- Recommendation or findings about the complaint (on the balance of probabilities, has the complaint been substantiated),
- Recommendations on further action needed to resolve the matter,
- Options to deal with the situation, and any workplace issues that may arise as a result, and
- Records of interviews taken. (*verified notes taken at interview or sworn statements*)

When to Conduct an Investigation

- Specific allegations relating an individual or a small number of individuals have been presented.
- The alleged conduct breaches organisational policies that are governed by legislation.
- Attempts to resolve the matter informally or through conciliation or mediation have failed.
- The behaviour, which is the subject of the allegation, has been denied or disputed.
- The allegations are of a serious nature and further substantiation is required.
- Several grievances have emerged on the same matter.
- There may be a reasonable chance of success in an outside forum, eg, the Industrial Commission, EO Commission or common law.
- The alleged conduct is harmful to the integrity of the business or corporate image.
- A health, safety or security risk exists for the organisation, its employees or its customers.
- In the course of managing an issue, claims and counter claims of a significant nature have emerged.

