



# Portsmouth Darts Academy

## Investigation Procedure

This procedure outlines the essential decisions and actions that Portsmouth Darts Academy must and should make when deciding to conduct an investigation. It also provides important information divided into manageable steps for anyone who has been appointed to conduct investigations.

The order of steps 3 and 4 may change depending on the facts and information required, and how an investigator thinks the matter should be approached. However, considering the relevance of each step to the matter being investigated will help an investigator to complete a thorough and fair process.

### **What is an investigation?**

An investigation is a fact-finding exercise to collect all the relevant information on a matter. A properly conducted investigation can enable Portsmouth Darts Academy to fully consider the matter and then make an informed decision on it.

### **The role of an investigator**

The role of an investigator is to be fair and objective so that they can establish the essential facts of the matter and reach a conclusion on what did or did not happen. An investigator should do this by looking for evidence that supports the allegation and evidence that contradicts it. In potential disciplinary matters, it is not an investigator's role to prove the guilt of any party but to investigate if there is a case to answer.

### **Step 1: Preparation**

#### **Deciding if an investigation is necessary**

Incidents and issues will arise and ensuring that they are dealt with fairly and consistently may mean that they need to be investigated. In the first instance, Portsmouth Darts Academy should consider whether a quiet word or informal action may be all that is required to resolve a matter. Most problems that arise can be settled quickly and without undue process.

Where informal resolution is not practical or possible there are a number of considerations that Portsmouth Darts Academy will bear in mind when deciding if an investigation is necessary.

#### **Considerations before making a decision**

Do any policies or procedures require an investigation? The policies and procedures of an organisation may obligate them to conduct a formal investigation on the matter under consideration.



Does the matter warrant further action? If Portsmouth Darts Academy is not obligated to investigate the matter, whether one is necessary will often come down to the seriousness of the matter and what type of action may be warranted.

Will a preliminary investigation help? Where it is uncertain whether a full investigation is necessary or appropriate, Portsmouth Darts Academy may benefit from trying to find this out first. Usually this would be limited to gathering appropriate evidence on the matter.

### **Conducting investigations**

If an investigation is necessary, then Portsmouth Darts Academy should act promptly. Unnecessary delay may cause memories to fade or give the perception of an unfair process. Importantly, an informal resolution of the matter should still be considered as an option at any stage of the process.

### **What is to be investigated?**

When instigating an investigation, Portsmouth Darts Academy should decide what the precise purpose and scope of the investigation will be. Terms of reference should be created that clearly explain what the investigator's role and responsibilities are for this investigation. The terms of reference should spell out:

- What the investigation is required to examine
- Whether a recommendation is required
- How their findings should be presented.

### **How long may an investigation take?**

Portsmouth Darts Academy should consult their policies and procedures to see if they contain suggested or required timescales for the investigation to follow. If no timescale is specified, Portsmouth Darts Academy should provide a provisional timeframe within which the investigation should be completed. A complicated matter may take several weeks to conduct properly. A relatively simple matter may only require a small amount of investigation for it to be reasonable.

Providing a provisional time-frame is helpful but an investigator will not be restricted by a set completion date. An investigator may find that the time-frame needs to be modified to enable them to investigate the matter properly. While an investigation should be completed as quickly as is practical, it also needs to be sufficiently thorough to be fair and reasonable.

### **If new issues come to light...**

If a new matter comes to light during an investigation, the investigator and the person they report to may need to agree changes to the terms of reference, or to authorise a further investigation. It will usually be preferable to incorporate any new matters into the existing investigation unless it will make an investigation overly burdensome or unduly complicated.

### **Deciding who will deal with the matter**

Portsmouth Darts Academy will appoint a competent investigator depending on the complexity, severity and detail of the investigation.



## **Keeping the matter confidential**

An investigation should usually be kept confidential. Even if it becomes known that one is being conducted, the details of the investigation should be kept confidential wherever possible.

Keeping the matter confidential can:

- Reduce any negative impact to a party involved in the matter
- Help to ensure that volunteer morale is not unnecessarily affected
- Reduce the risk of witnesses discussing or agreeing what their evidence should be

## **Possible temporary measures**

Many investigations may be conducted without removing a person from Portsmouth Darts Academy events. On occasion, Portsmouth Darts Academy may need to consider taking a temporary measure while an investigation is conducted.

## **Suspension**

In certain situations, Portsmouth Darts Academy may decide that suspension is necessary while the investigation is carried out.

This may include where:

- Working relationships have broken down
- The person could tamper with evidence
- There is a health and safety risk
- Property or the organisation may be damaged

Suspension should only be used after careful consideration, as a last resort and should be reviewed to ensure it is not unnecessarily drawn out. It should be made clear that the suspension is temporary, not an assumption of guilt and not a disciplinary sanction.

## **Criminal proceedings**

Some matters might also warrant a criminal investigation. Usually, Portsmouth Darts Academy may need to decide whether or not to involve the police.

If criminal proceedings do commence, Portsmouth Darts Academy may decide to put their investigation on hold until the criminal proceedings have concluded.



## **Step 2: An investigator's preparation**

### **Draft an investigation plan**

Creating an investigation plan can provide an investigator with a structured approach to follow. This can help an investigator focus on:

- what facts need to be established
- what evidence needs to be collected
- completing the investigation within the provisional time-frame

### **Check policies and procedures**

An investigator should collect copies of any policies and procedures that may be relevant to the matter. Even if an investigator is already aware of the policies, they should re-read them to refresh their knowledge and ensure that correct procedures are followed wherever required.

### **Identify possible sources of evidence**

There is no exhaustive list that an investigator can rely on to know what sources of evidence they should collect. Each investigation will be different and the facts and information that need to be collected will also differ. When initially identifying what may be relevant an investigator should consider:

- The terms of reference and what they need to establish
- What sources of evidence may be available to establish the facts of the matter
- How the evidence could be collected
- Whether there are any time constraints for collecting the evidence

As the investigation progresses, other possible sources of evidence may come to light or become relevant. However, an investigator should remember that they only have to conduct a reasonable investigation. They do not have to investigate every detail of the matter, only what is reasonably likely to be important and relevant.

### **Identify possible parties relevant to the investigation**

When individuals might be able to provide information relevant to the investigation, an investigator may interview them and/or ask them to provide a witness statement. Where a large number of people witnessed the same incident, it will usually not be necessary to interview everybody. An investigator should interview some of the witnesses. If their accounts are consistent then an investigator may not need to interview other witnesses unless there are good reasons to believe they might have further information on the matter.

### **Deciding in what order evidence should be collected**

The order in which evidence should be collected will change depending on the matter being investigated. Where the matter is relatively straight forward, an investigator should hold some or all of the investigation meetings at an early stage of the investigation. In particular, if a person made a



complaint or raised a grievance, an investigator should interview them first to ensure that they fully understand the matter.

In a potential disciplinary matter, an investigator should also consider interviewing the coach or coaches under investigation at an early stage. Doing this can help to establish what facts are disputed and allow an investigator to focus the rest of the investigation on these areas. Also, if they admit the allegations against them are correct it might remove the need to investigate the matter as fully as planned. However, their explanation of why the incident occurred may still need to be investigated. Where there is considerable physical or written evidence, or the matter is very complex, an investigator should consider whether or not to collect other evidence before interviewing the coach or coaches under investigation. Doing so may help them to fully understand the matter and help them to ask the appropriate questions at the investigation meeting.

### **Arrange where meetings will take place**

An investigation meeting should take place in a private room, where interruptions are unlikely to occur.

### **Contact relevant parties**

#### **Informing a person they are under investigation**

If a person is under investigation, they should be informed in writing of the allegations against them and that an investigation will be carried out. They should be notified of who to contact if they have any questions during the investigation. This is typically the investigator.

#### **Inviting relevant parties to an investigation meeting**

An investigator should give any person that they intend to interview advance written notice of their investigation meeting. The invitation should include

- The date, time and place of the meeting
- The name of the investigator and what their role is
- The reason for the meeting
- An explanation that the meeting is only to establish the facts of the matter and is not a disciplinary meeting
- A request to keep the reason for the meeting, and any discussions that take place, confidential
- Whether there is a right to be accompanied to the meeting (under 18's must be accompanied by an adult)
- That it may be a disciplinary issue if they unreasonably refuse or fail to attend the investigation meeting

### **What is an investigation meeting?**

An investigation meeting is simply an opportunity for an investigator to interview someone who is involved in, or has information on, the matter under investigation. An investigation meeting must never turn into a disciplinary meeting. Where disciplinary action may be necessary a separate meeting must be arranged.



### **Can an interviewee be accompanied?**

Any person has the right to be accompanied. Any student member under the age of 18 **must** be accompanied by a parent/guardian over the age of 18.

### **Recording an investigation meeting**

An investigator may record the meeting themselves or have someone act as a note-taker. Having a note-taker for the meeting can allow an investigator to focus on exactly what the interviewee says and consider what additional enquiries are necessary to establish the facts of the matter.

### **What notes should be taken?**

Notes taken at the meeting will usually become an interviewee's witness statement. The notes should therefore record:

- The date and place of the interview
- Names of all people present
- An accurate record of the interview
- Any refusal to answer a question
- The start and finish times, and details of any adjournments
- Should be written without gaps, to avoid the accusation that gaps have been filled in after the meeting

The notes taken do not need to record every word that is said but they should accurately capture the key points of any discussion.

### **The interview process**

Before the meeting takes place an investigator should

- Establish how the interviewee may be able to help with the investigation and plan initial questions accordingly
- Book an appropriate time and place for the meeting
- Write to the person inviting them to the meeting and detail any rights of accompaniment

At the start of the meeting an investigator should explain

- Who is present and why
- The role of the investigator
- The purpose of the meeting
- The need for confidentiality during the investigation
- That the interviewee's witness statement may be used in an investigation report
- Who will see the interviewee's witness statement

During the meeting an investigator should

- Ask questions to gather the facts of the matter
- Probe the interviewee without it being in an adversarial manner
- Record responses and any refusal to respond



- Seek evidence that may substantiate the information provided

At the end of the meeting an investigator should

- Check if there is anything else the interviewee thinks is important before ending the interview
- Ask if there are other witnesses that they think should be interviewed and why
- Explain that they may need to be interviewed again
- Explain that the interviewee will be provided shortly with a copy of their witness statement for them to check and confirm that it is accurate

After the meeting an investigator should

- Provide the interviewee with a copy of their statement and seek agreement that it is accurate
- Consider what the important facts from the meeting were and whether evidence already collected supports or contradicts these
- Consider whether the meeting suggested any further evidence needs to be collected or interviews arranged

Although an investigator should plan to only interview each person once, as further facts and information are collected, it may become necessary to interview some coaches again to clarify certain points.

### **Reluctant witnesses**

Some people may be reluctant to provide evidence for an investigation. An investigator should explore why a person is reluctant to give evidence, provide reassurance and seek to resolve any concerns they have. An investigator should try to avoid anonymising witness statements whenever possible. This is because a person under investigation is likely to be disadvantaged when evidence is anonymised as they will not be able to effectively challenge the evidence against them.

Only in exceptional circumstances where a witness has a genuine fear of reprisals should an investigator agree that a witness statement is anonymised. However, if the matter becomes subject to legal proceedings, and it is necessary in the interests of fairness, Portsmouth Darts Academy may be required to disclose the names of any anonymous witnesses.

Where an investigator decides that the circumstances do warrant an agreement to anonymity, an interview should be conducted and notes taken without regard to the need for anonymity. An investigator should then consider what, if any, parts need to be omitted or redacted to prevent identification.

### **Handling a refusal or failure to attend an investigation meeting**

If a person refuses to attend an investigation meeting, an investigator should try to find out why and see if there is a way to resolve the issue. It may be that they are unable to attend for a legitimate reason, such as illness, and an investigator could rearrange the meeting or ask the person to produce a witness statement instead.





#### **Step 4: Gathering evidence**

When gathering evidence an investigator should remember that their role is to establish the facts of the matter. They should therefore not just consider evidence that supports the allegations but also consider evidence which undermines the allegations. Once collected an investigator should objectively analyse each piece of evidence and consider:

- What does the evidence reveal?
- Are there any doubts over the credibility and reliability of the evidence?
- Is the evidence supported or contradicted by evidence already collected?
- Does it suggest any further evidence should be collected?

#### **Witness statements**

A witness statement will usually be a signed copy of the notes from an investigation meeting. An interviewee should be given a copy of their statement taken at the investigation meeting to check that they agree it is accurate. This should be done as soon as possible after the meeting so that memories are still fresh. Once the interviewee has checked the document they should sign the statement confirming it is an accurate reflection of the conversation. An investigator may want a witness statement to be typed up. However, when the original notes from the meeting are clear they could be given to the interviewee immediately after the meeting.

An interviewee should be allowed to amend their statement but should sign any amendments they make to the original document. Where changes to the statement are made that an investigator believes contradict what was said at the meeting, it may be necessary to note this and include both the original statement and the amended statement in the report. If an interviewee refuses to sign their statement, an investigator should try to find out why and resolve the issue. If a resolution cannot be reached, an investigator should include the statement in their report while acknowledging that the interviewee refused to confirm that it was an accurate reflection of the meeting.

#### **Written records and documents**

An investigator should collect any documentation that may be useful to establish the facts of the matter, such as records or paper copies of electronic material. These types of documentation can help an investigator corroborate or contradict other evidence collected and can highlight areas that an investigator needs to explore further at an investigation meeting.

#### **Physical evidence**

There may be physical evidence, such as CCTV or computer and phone records relevant to the investigation, which can be obtained lawfully. If physical evidence is collected, an investigator should document what it is, how it was collected and what it reveals. This can make it easier for an investigator to refer to the evidence at the conclusion of the investigation. Any physical evidence gathered should also be retained in case it needs to be viewed again at a later date

Where it is believed that a criminal offence may have been committed, Portsmouth Darts Academy may call the police as they have wider powers to search individuals.





## Step 5: Writing an investigation report

Once an investigator believes they have established the facts of the matter as far as is reasonably possible and appropriate, they will usually need to produce an investigation report that explains their findings. While a written report is not always necessary, many investigations will benefit if its findings are recorded in writing. An investigation report should cover all the facts that were and were not established, and whether there were any mitigating circumstances that also require consideration. To exclude any information may leave an investigation open to accusations of bias and filtering evidence to suit their findings. The report should reflect the investigator's own conclusions.

### Writing a report – Structure

Investigation report should include

#### Introduction

- Name and job title of the person who conducted the investigation
- A brief overview of the circumstances that led to the investigation
- The terms of reference of the investigation and if they were amended
- Process of the investigation
- How the investigation was conducted
- What evidence was collected
- Whether any pieces of evidence could not be collected and why
- Names of all witnesses and why each witness was relevant to the matter
- Whether any witnesses could not be interviewed and why
- Where a witness statement has been anonymised explain why and provide any details of enquiry into their character and background

#### The investigation findings

- Summarise the findings from all relevant documents
- Summarise the key evidence from each witness statement
- What facts have been established
- What facts have not been established
- Whether there are any mitigating factors to consider
- Whether there is any other relevant information to consider

#### Conclusion of report

- Recommendation based on all evidence collected
- Any other recommendations related to the matter

#### Supporting documents

- Copies of all documents and witness statements collected and referred to in the report should be included and clearly referenced



## **The balance of probabilities**

An investigator should endeavour to reach conclusions about what did or did not happen, even when evidence is contested or contradictory. In these circumstances an investigator will need to decide whether, on the balance of probabilities, they could justifiably prefer one version of the matter over another and explain why. Unlike criminal law, an investigator conducting an employment investigation does not have to find proof beyond all reasonable doubt that the matter took place. An investigator only needs to decide that on the balance of probabilities an incident is more likely to have occurred than not.