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Investigations for discipline and grievance: step by step

When there is a possible workplace disciplinary or grievance issue, the employer should find out all they reasonably can about the issue. This is known as an ‘investigation’.

An investigation is to:

- see if there is a case to answer
- make sure everyone is treated fairly
- gather evidence from all sides
- help the employer to see what should happen next

At any stage the employer can still look at whether:

- the formal procedure needs to carry on
- the issue can be resolved informally instead

1. Following a fair procedure

To protect everyone involved in a disciplinary or grievance case, the employer must make sure they follow a fair procedure. The investigation is an important part of this.

If the employer does not carry out a reasonable investigation, any decisions they make in the disciplinary or grievance case are likely to be unfair. This could risk legal action.

Investigations are covered by the Acas Code of Practice on disciplinary and grievance procedures, which is the minimum a workplace must follow. Your workplace might have its own policy or procedure.

If a disciplinary or grievance case reaches an employment tribunal, judges will look at whether the employer has followed the Acas Code of Practice in a fair way.

If the employer has decided to investigate a disciplinary or grievance issue, they should start as soon as possible.

This is to make sure they’re treating the employee fairly. For example, people might remember a situation more clearly the sooner they’re asked about it.

2. Who can carry out the investigation

Where possible, the employer should get somebody who's not involved in the case to carry out the investigation, for example another manager or someone from HR.

This is to keep things as fair as possible. In smaller businesses, the employer might have to do it themself.

Where possible, the person investigating should also have had training. Acas offers training in handling disciplinary and grievance procedures, including courses on conducting investigations.

In a disciplinary case

The employer should think about who will handle matters if further action is needed.

Where possible, a different person should handle each step of the disciplinary procedure that's needed:

- the investigation
- the disciplinary hearing and outcome
- the appeal hearing (if an appeal is raised)

Where possible, the employer should assign a more senior person to handle the disciplinary hearing and outcome than the person assigned to the investigation.

In a grievance case

For a grievance investigation, it is usually best for the person hearing the grievance to investigate the issue.

You can find more details on choosing who to carry out the investigation in the Acas guide to conducting workplace investigations (PDF, 379KB, 36 pages).

Making an investigation plan

The employer and the person investigating, if there is one, should start by making an investigation plan.

This can include:

- what needs to be investigated
- who is carrying out the investigation
- anyone who needs to be spoken with ('witnesses')
- any sources of evidence, for example work records, emails or CCTV recordings
- any time limits, for example CCTV footage being deleted or staff going on leave

- timeframes
- policies or workplace guidelines to follow
- whether the person investigating is expected to give recommendations at the end of the investigation
- setting out the importance of confidentiality
- any other relevant points or information

A clear plan can help to:

- make the investigation as quick and easy as possible
- make clear exactly what needs to be done
- make sure the process is full and fair
- avoid negative effects on staff or the business

Employers and investigators can:

- find more details on making an investigation plan in the Acas guide to conducting workplace investigations (PDF, 379KB, 36 pages)
- download and use the Acas template for an investigation plan

Telling the employee

The employer or person investigating should tell the employee with the disciplinary or grievance issue as soon as they decide to open an investigation.

This is unless the employer thinks there is a risk that the employee might tamper with evidence or influence witnesses. In this case, the employer should wait until there is less risk of this.

When the employer tells the employee they are opening an investigation, it's a good idea for them to explain:

- why they're carrying out an investigation
- who will be carrying it out
- what they're going to do
- that they'll need to talk to any witnesses
- how long it could take
- what will happen next, for example a meeting
- that everything will be kept confidential

Employers can use the Acas letter templates for:

- disciplinary cases – informing an employee they are the subject of an investigation
- grievance or disciplinary cases – inviting an employee to an investigation meeting

An investigation can be stressful for the employee in either disciplinary or grievance cases. It's important for employers to consider the wellbeing and mental health of their employees and offer support where needed.

Deciding whether to suspend an employee in a disciplinary case

It's normally best for an employer to avoid suspending an employee under a disciplinary investigation.

If necessary, the employer should make any other arrangements rather than suspension. For example, the employee could work somewhere else in the organisation temporarily.

The employer should only consider suspension during an investigation if they believe it's needed to protect any of the following:

- the investigation
- the business
- other employees
- the employee under investigation

If suspension is necessary, the employer should:

- explain to the employee the reason for their suspension
- make clear it does not mean they believe the employee is guilty
- still pay the employee in full throughout their suspension
- keep the suspension confidential wherever possible
- keep the suspension under close review
- make sure it only lasts for as long as necessary
- explain the employee's responsibilities during their suspension, for example to not contact colleagues
- name a person, such as their manager, the employee can contact if they have any concerns
- keep regular contact with the employee throughout

Looking after employees' wellbeing and mental health

Being suspended can be very stressful, so it's important that employers consider the wellbeing and mental health of their employee.

Looking out for the employee's wellbeing and offering support can help prevent:

- mental health issues arising
- existing mental health issues getting worse

See more advice on supporting an employee with a mental health condition .

Related content
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In a disciplinary or grievance investigation, the person investigating should

do their best to:

- be fair and objective
- follow any policies or guidelines your workplace might have
- get as much information on the case as is reasonable
- not try to prove guilt, but get balanced evidence from both sides
- keep the case confidential

In a disciplinary procedure, the person investigating should be finding out if there is an issue that needs to be addressed, not trying to prove guilt.

3. How long an investigation needs to take

While an investigation should be completed as quickly as possible, it always needs to be thorough and fair.

Some investigations might take longer depending on the case and how many people need to give information.

For example, a simple case might only take a day to gather enough information, whereas a more complicated case could take several weeks.

Your workplace might have timescales for investigations written in their policy. Otherwise, the employer or person investigating should set a reasonable timescale and tell the employee.

If it's found that more time is needed during the investigation, this should be allowed for. Any delays should be explained to anyone involved and written in the investigation report.

Getting physical evidence

The person investigating should get all the information they reasonably can and need for the case.

They should work out what physical evidence is needed based on:

- what's laid out in the investigation plan
- what sources of information they can use
- any time limits, for example records getting deleted

More evidence might come to light as the investigation goes on, so the person investigating should allow for this.

Types of physical evidence could include:

- emails
- paperwork
- receipts
- computer records
- phone records
- CCTV recordings

- attendance records

The person investigating must consider the ways they can get information and:

- follow the law (for example, on data protection or employment contracts)
- respect the employee's right to privacy

You can find out more on:

- data protection on the Information Commissioner's Office (ICO) website
- gathering evidence in the right way in the Acas guide to conducting workplace investigations (PDF, 379KB, 36 pages)

The person investigating should keep a written record of how and why they got any evidence.

Holding investigation meetings

In both disciplinary and grievance investigations, the person investigating might also need to get information from:

- the employee
- other employees involved ('witnesses')
- other witnesses, for example clients or customers

The right to be accompanied

'The right to be accompanied' means that by law, an employee or worker can bring a relevant person ('companion'):

- in a grievance procedure: to any meetings
- in a disciplinary procedure: to a meeting or hearing that will give or confirm a formal warning or other disciplinary action

In a disciplinary investigation meeting, there is no legal right to be accompanied but it's good practice for employers to allow it.

If there's the right to be accompanied

If the employee or worker has the right to be accompanied, they must choose their companion from one of the following:

- a work colleague
- a workplace trade union representative who's certified or trained in acting as a companion
- an official employed by a trade union

Under discrimination law, employers must make reasonable adjustments for disabled employees. This might mean allowing someone else to attend, for example a support worker or someone with knowledge of the disability and its effects.

Employers can, but do not have to, allow companions who do not fall within the above categories. For example, some employment contracts might allow for a professional support body, partner, spouse or legal representative.

You can find out more about the right to be accompanied in the Acas guide to discipline and grievance.

Sharing information

The employee under a disciplinary investigation or the employee who has raised a grievance case can ask to see any evidence or witness statements.

Under data protection law (GDPR), the employer should get consent from the person who provided information before sharing it.

This might mean the employer needs to make some information anonymous before sharing it.

You can find out more about data protection on the Information Commissioner's Office (ICO) website.

Absence from an investigation meeting

If the employee with the disciplinary or grievance issue needs to go to an investigation meeting but does not attend, the person investigating should rearrange the meeting.

The employer or person investigating should see if it would help to make other arrangements.

For example, if the employee is off with stress and is worried about coming to the workplace, they could hold the meeting somewhere else.

If the employee is too sick or keeps refusing to attend, the person investigating will need to look at all other evidence and make a reasonable decision.

They could also look at:

- the seriousness of the disciplinary or grievance issue
- any rules your workplace has about not attending investigation meetings
- how your workplace dealt with similar cases in the past
- getting a medical opinion on whether the employee is fit to attend the meeting (with the employee's permission)

The employer might decide they need to carry on with the investigation without the employee.

If so, the employer must:

- carry out the investigation in as full and fair a way as possible
- tell the employee

Looking after employees' wellbeing and mental health

Being under investigation can be very stressful, so it's important that employers consider the wellbeing and mental health of their employees.

Looking out for employees' wellbeing and offering support can help prevent:

- absence
- mental health issues arising
- existing mental health issues getting worse

For example, as well as regular communication, the employer could arrange any meetings in a more private and comfortable location if this would help an employee.

See more advice on supporting an employee with a mental health condition .

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Witnesses can give important evidence that might help decide the outcome of a disciplinary or grievance case.

If there's anyone with information about the discipline or grievance issue (a 'witness'), the person investigating can ask them to write it down (a 'witness statement').

If appropriate, the employee under investigation can also get witness statements.

The person investigating can also have a meeting with a witness to ask them what they know or saw. Someone should take notes during the meeting. At the end of the meeting, the witness should sign the notes and these can also form a witness statement.

You can use the Acas guide to conducting workplace investigations (PDF, 379KB, 36 pages) for more on:

- taking witness statements
- interviewing witnesses

- if a witness refuses to give a statement

4. Talking to a large number of witnesses

If a large number of people witnessed the same incident, the person investigating should:

- talk to some of the witnesses
- check whether they're broadly saying the same thing

The person investigating does not have to talk to all witnesses, unless either of the following apply:

- they feel they're not getting enough information
- there are significant differences in what the witnesses say

Taking records

The person investigating can make audio recordings of interviews or assign a person to take notes, depending on:

- what is most appropriate or possible
- what your organisation's policy or rules allow
- if the person being interviewed agrees

For more on recording investigation meetings, see the Acas guide to conducting workplace investigations (PDF, 379KB, 36 pages).

Keeping it confidential

All witness statements or interview records must be kept confidential.

If information needs to be shared with other people, the employer must first get consent from the person who gave the information. You can find out more about obtaining consent on the Information Commissioner's Office (ICO) website.

Related content
Download the Acas guide to conducting workplace investigations (PDF, 379KB, 36 …

If the employer or person investigating feels they need more information, they can go back and investigate again.

They should:

- try to do this in reasonable time
- tell the employee about any delays completing the investigation

5. Making an investigation report

When there is enough information and the investigation is finished, the employer should have a written report. The employer should share this report with the employee.

For more help writing investigation reports, you can download and use:

- the Acas guide to conducting workplace investigations (PDF, 379KB, 36 pages)
- the Acas template for investigation reports

If the employer had a person carrying out the investigation for them, that person can give recommendations for next steps, if this was agreed in the investigation plan.

The person investigating must never give an opinion on what the outcome decision should be.

Now they have more information, the employer should check again if the issue can be resolved informally.

Carrying on with the disciplinary or grievance procedure

After an investigation, the employer might find there is no evidence to carry on with the disciplinary or grievance procedure. In this case, they should end the procedure and tell the employee in question there will be no further action.

If the employer finds there is an issue that cannot be resolved informally, they should carry on with the procedure for either:

- discipline: the disciplinary hearing
- grievance

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