

# What to expect if you are a Witness in an investigation

## Blood and Transplant

### The role of a witness



- We want NHSBT to be a great place to work where all our colleagues feel engaged and valued and treated with dignity and respect in an open and positive environment.
- We recognise that sometimes it may not feel that way for colleagues and we may find ourselves responding to issues raised by colleagues through the Dignity at Work or Grievance Policy or alleged misconduct as a Disciplinary issue.
- We take all issues raised seriously and will normally seek to resolve concerns quickly via discussions, mediation or other developmental initiatives locally with the people involved. When this is not possible, we will need to commence a fair and comprehensive formal investigation.
- This includes speaking to named individuals identified during the investigation who may have information to contribute because of what they have seen or heard – the witnesses.
- Our policies contain the detail on the process: this guide seeks to help you understand how we apply the policy and to answer some questions we know from experience that colleagues may have.

### Participation



- We recognise that involving yourself in issues in the workplace can be difficult, challenging and sometimes stressful. Please talk to the Investigation Team or your support colleague if you feel impacted by your involvement; we will work with you to minimise the effect of this for you.
- It's rare that we will "require" you to attend a Panel Meeting as a witness, but you are encouraged to participate and have an open and honest discussion with the Investigation Team.
- If you are asked to attend a Panel Meeting, you will receive a briefing and support from an HR colleague. They will explain what is involved, where you fit into the order of the meeting, how and who will ask you questions and what time slot you will need to be available for. Your role will be to help the panel to understand what has happened, so that they are fully informed in order to make a decision
- To address and resolve workplace issues we rely on colleagues to support our investigations, so your contribution is much valued.

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### Concerns



- If you are worried or anxious about participating as a witness, there are number of places you can go for support.
- We know this can be challenging for some so we also have other colleagues who are available to guide and support including our Freedom To Speak Up Guardian, BAME, LGBT+ and Women’s Networks, Mental Health & Wellbeing Champions and HR Direct are there to help with questions about the policy generally although they will not have knowledge of the particular incident/concern.
- You can also speak to a trade union representative (if you are a member).
- The Investigation Team may also offer support and signpost you to other assistance, e.g. Occupational Health, Employee Assistance Programme (EAP).
- We all want to work with you with to ensure you feel supported and comfortable to participate. We will explore alternative options for you to provide information if this supports you and protects your health and wellbeing.

### The Investigators



- We will appoint an Independent Investigation Team, of at least two members, usually an operational manager and an HR professional in support.
- Once identified, the Investigation Manager will be in touch with you to invite you to an Investigation Meeting.
- The Investigation Team’s role is to carry out a full and fair investigation– so as get the full picture. They will be talking to everyone involved and gathering facts, information and data (not opinions) that support all parties’ perspectives.
- The investigators will make arrangements to keep you informed. Please be patient and be assured the investigators will let you know whether they need to speak to you again. The outcome of the investigation will not be given to you, as this is confidential, but the investigators will let you know when the investigation has been completed.
- Further detail on the role and responsibilities of those involved are outlined on the information sheets available on People First.

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## Investigation

- You will be asked to attend an “Investigation Meeting” and will be provided with reasonable notice. This will normally be around 5 working days.
- The purpose of the meeting is to explore your recollection of the events/incidents and establish all the facts. You will be invited to provide and share any additional information which you consider to be relevant. Please use the meeting as your opportunity to provide a full, honest and accurate account of your recollection and experiences.
- You will be offered the right to be accompanied and a work colleague or trade union representative may join you for support and representation if you wish, although you can attend alone. We would encourage you to participate openly, as we do need to hear from you.
- It’s advisable to jot down your immediate recollection of events that will help as prompts in the investigation meeting – What did you see/hear? Dates/times? Other witnesses? What impact did the incident have on you and others around you at the time and since?
- The Investigation Team may also explore your general day to day working environment, to help them get a real understanding of the incidents or events under investigation.
- At the end of the investigation all the information provided will be analysed to produce an outcome report, which provides a recommendation on the approach. This report will be reviewed by an independent manager to establish the next steps. This could be referral into a formal process or Panel Meeting, a range of supportive/developmental initiatives to address the concerns raised, or no further action.
- We aim to conclude the investigation and respond back on the findings (including a Panel Meeting, where appropriate) within a maximum period of 12 weeks and we rely on the positive co-operation of everyone involved to achieve this. Sometimes we are unable to meet this deadline, but you will be kept up to date and advised of any delay and updated time scales.



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## What happens next



- We don't audio record meetings, but we do take summary notes (not verbatim) which will be shared with you. Whilst we aren't required to have your formal acceptance of the notes, we will share them with you, and you may add corrections or comments for the Investigators to consider.
- If you wish to ask for them to be amended, please track the changes. It's not possible to add notes of things that weren't actually said at the meeting. The Investigation Team will either accept the changes and send you an updated version or include both sets of notes with the case documentation should the case progress to a Panel Meeting.
- All statements and information gathered during the investigation may be presented to a Disciplinary Panel Meeting (if you are a witness in a disciplinary case) and you or other named witnesses may be called to attend to answer questions from the Panel Members, the employee facing allegations or their representative.
- We will discuss this with you and provide any support you may need to protect your own health and wellbeing, including considering options for providing information at the meeting.
- Following the outcome of the formal process, there may be recommendations identified to improve the working relationships or environment and it's important to work with colleagues to develop and implement these.
- We will also check-in with you via a survey for your feedback on your experience of a being involved in the process, for ideas on how we could improve our working practices. If you wish to have a follow-up discussion, you will have the option to let us know via the survey.

## Confidentiality



- It's important that we respect the confidential nature of the issues for all involved and so we ask that you do not discuss your complaint with colleagues at work outside of the recognised individual(s) you have supporting you during the process. We recognise that you may want to discuss your concerns with your immediate family member(s), but please respect the sensitivities of the discussion and ensure that no details are shared further or posted on social media, either internal or external to the organisation, by anyone.