



# PROTOCOL FOR INVESTIGATING OFFICERS Student Complaints

Liverpool John Moores University  
Student Policy & Regulation

# Protocol for Investigating Officers



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# Protocol for Investigating Officers



## **Introduction**

Where a complaint is particularly complex or contains allegations against students or members of staff, then an independent, impartial Investigating Officer is appointed to investigate the circumstances of the complaint. The Investigating Officer will be a senior member of the University and not directly involved with the department or the individuals who are the subject of the complaint.

These notes are to support the Investigating Officer so that they can:

- Better understand the process of investigation.
- Reach a conclusion based on the evidence.
- Support a finding that the complaint is either Upheld, Upheld In Part or Not Upheld.

The Investigating Officer will be advised throughout the investigation process by a Student Policy & Regulation Adviser.

## **1. Investigating the Complaint**

The Student Complaints procedure follows the Principles of Natural Justice:

- There are two sides to every dispute.
- All parties are given the opportunity to provide evidence to substantiate their version of the issue/incident.
- Full disclosure of any allegations or evidence will be made to those parties involved in the complaint.
- All parties involved in a complaint have the right to be accompanied by a friend /LSU /Trade Union representative at each stage of the procedure.

It is important to ensure the investigation process is fair and transparent. This entails allowing the parties to give their evidence, normally in an interview and to be allowed to know who else will be interviewed. Failure to observe the basic requirements of fairness will allow any judgement to be challenged.

It is essential that the investigation is conducted in a timely manner. If a case is allowed to be delayed to any considerable degree, there is the potential for a challenge on the basis that the student has been compromised by witnesses being unavailable, evidence being more difficult to investigate and witness memories fading. Delay also enables an argument that, irrespective of the outcome of the complaint, the student [or member of staff] has been put under stress due to the length of time taken to consider the complaint.

Complaints should be investigated and brought to a conclusion with the minimum of delay. Where there may be significant delay due to the availability of witnesses / parties to the complaint [during the vacation periods for example], then this should be made clear to the relevant individuals.

All documents relating to the case will be made available to the Investigating Officer and they may request further information or documents as appropriate.

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All information provided regarding a complaint will remain confidential for use within the complaints process and is subject to the requirements of the Data Protection Act. Only staff directly involved with the complaint will be given access to confidential information.

## 2. Interviewing parties to the complaint / witnesses:

Having initially reviewed the documents, the Investigating Officer will meet with the Adviser to arrange interviews with the complainant and other relevant parties to the complaint including witnesses.

The Investigating Officer will normally interview the complainant in the first instance and should begin by formally confirming with the complainant the issues of complaint to be investigated and what remedy they are seeking ie what they see as the desired outcome to their complaint.

The Investigating Officer will also confirm with the complainant who s/he deems relevant to interview. In exceptional circumstances, (e.g. where there may significant delays due to witness availability), the Investigating Officer may request signed witness statements to be provided in lieu of interview.

The Adviser will take notes during the interview – this will form the Interview Summary. The interviewee will be given a copy of this and asked to confirm or amend as necessary, following the interview.

### **At the interview, the Investigating Officer should ensure:**

- That the complainant / interviewee, if unaccompanied, is aware that they have the right to be accompanied by a friend /LSU /Trade Union representative.
- Where the complainant / interviewee is accompanied, then the name of the friend /LSU /Trade Union representative is included in the interview summary.
- That the contact and programme details of the complainant / interviewee are confirmed.
- That the complainant /interviewee is aware of the procedure that is being followed and that full disclosure of any allegations or evidence will be made to the relevant parties to the complaint [including interview summaries].
- The involvement of the complainant / witness is clear and all relevant details are within the knowledge of the complainant / witness. Wherever possible try to avoid the complainant /witness giving second-hand (hearsay) evidence.

## 3. Summary of interview

### **The interview summary should:**

- Detail the events / circumstances in chronological order.
- Cross-refer to any relevant documents which support the account of the complainant /witness and attach to the interview summary.
- Not include irrelevant or unfair material.

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- Be written in such a way that it can be read by someone with no knowledge of the case, so that they would be able to understand the circumstances of the complaint and the relevance of the evidence of the witness.

The Student Policy & Regulation Adviser will prepare and send the interview summary to the interviewee within 5 working days of the interview requesting that this is agreed or amended, signed and returned within 7 days. [see appendix 1 for structure of interview summary]

## 4. Investigating Officer's Report

Once the investigation has been completed the Investigating Officer will submit a report, with a summary of the complaint, the conclusions of the investigation and the outcome of the complaint, along with any recommendations if appropriate.

The report should be in the following format:

### **Introduction**

This should contain the substance of the complaint as agreed with the complainant. The introduction should also note the remedy sought by the complainant.

### **Summary of Investigation Process**

Summarise the scope of the investigation including who was interviewed and why. Cross reference to the relevant documentation in a logical order.

### **Outcome of the Investigation**

State whether the complaint is Upheld, Upheld in Part or Not Upheld and the reasons why.

The report should address all the aspects of the complaint as summarised in the introduction. For example if the complainant has not provided evidence to substantiate all or part of the complaint, or if the Investigating Officer is unable to reach a conclusion on all or part of the complaint due to conflicting evidence, then the report should note this.

Where the complaint is Upheld or Upheld in Part, then the report should make some reference to a proposed remedy.

### **Recommendations**

Include here any recommendations for further action if appropriate, for example recommendations for good practice, feedback on procedures etc.

The Investigating Officer's report will be sent to the Student Policy & Regulation Adviser.

The Student Policy & Regulation Adviser will formally notify the complainant and relevant parties as to the outcome of the investigation and any other relevant information. The Investigating Officers report will be sent to the complainant and other relevant parties as appropriate. [For example, where the investigation is into allegations against staff or students, then those staff or students will receive copies of the report].

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## Appendix 1

### Interview Summary

Interview summary of **NAME**

Interview conducted by **NAME of Investigating Officer**

Student Policy & Regulation Adviser **NAME**.

Date: \_\_\_\_\_

I understand that the summary as detailed below is not a verbatim record but is an accurate reflection of the information I provided at interview. I understand that in the interests of natural justice, full disclosure of any allegations or evidence will be made to those parties involved in the complaint.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_