

Topic	Guidelines on Internal Investigation Protocol
Category	Employment Framework
Author / Owner	DOP
Approved by	Approved by Leadership Team
Applicable to	All staff
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Overview

This protocol is intended to support Heads of School, the Director of People or other Management Team members who have received a complaint or a report of misconduct in line with our Complaints Procedure Policy or our Whistleblowing Policy.

The protocol outlines the steps to be taken in conducting an internal investigation. If the matter is referred to the Singapore Police or any other outside agency at any stage, the external investigation will take precedence over the School's internal investigation.

Initial Assessment.

Initial Assessment

If the matter reported involves a concern about a staff member's interaction with a child or young person, then the guidance in the Management of Concerns about Staff Interaction with Children and Young People Policy must be followed.

In all other cases, the Management Team member receiving the report (Investigation Lead) should complete the initial response actions below. These should normally be completed within one working day of receiving the report. Any delays should be documented.

Actions:

- Attend to any immediate safety concerns.
- Clarify the details of the allegation/concern with complainant/whistle-blower (reportee).
- Consider whether the matter constitutes 'Serious Misconduct' or 'Other Misconduct' as defined by the Staff Code of Conduct.
- Consider whether the concern may constitute a criminal offence and liaise accordingly with the School's Legal Director and Chief Executive Officer. If the matter is referred to the Singapore Police, the external investigation will take precedence over the School's internal investigation.

- Consider whether the identity of the reportee can be kept confidential during further investigations. If not, discuss the limits of confidentiality with the reportee.
- Inform the Director of People that a concern has been reported.
- Convene a meeting with the Investigation Management Team.
- Assess initial risk and formulate an initial risk management plan.
- Record details of the concern and the initial actions taken on the Investigation Report – Staff Allegations form.

Serious Misconduct

If a concern meets the criteria for Serious Misconduct, the staff member with the investigation lead responsibility (Management Team staff member) will appoint an Investigation Management Team.

Other Misconduct

If a concern meets the criteria for Other Misconduct, the staff member with the investigation lead responsibility (Management Team staff member) may appoint appropriately trained and senior delegates to gather information about the matter and may or may not formally appoint an Investigation Management Team.

If, during the course of investigating an 'Other Misconduct' concern, it becomes apparent that a matter may meet the threshold for Serious Misconduct, the investigation lead will review the investigation plan, roles and responsibilities and proceed accordingly.

Investigation Management Team

The Chief Executive Officer will determine appropriate members of the Investigation Management Team. The Investigation Management Team for internal investigations will comprise of:

- The Investigation Lead (Management Team staff member)
- Director of People (or delegate)
- At least one other senior member of staff, with appropriate knowledge of the area concerned.

Risk Assessment and Management during an Investigation

The focus of risk management during an investigation is to respect and to protect the rights of the reportee, any students involved, any staff member(s) involved. Risk management strategies will be commensurate with the seriousness of the concern raised but are not a predictive indicator of the outcome of any investigation.

The Investigation Management Team will consider:

- Risk to children and young people.

- Risk to staff members.
- Risk to the reportee and other stakeholders.
- Risk to an appropriate investigation of the matter.
- Risk to school / reputational risk.

Risk management action that may be considered:

- Suspension with pay. Suspension with pay will be considered in relation to any concern that involves Serious Misconduct.
- Restrictions to the staff member's duties.
- A plan to monitor the staff member's progress.
- Other appropriate action.

Investigation and Assessment Process

If a matter has been referred to and accepted by an external authority (Police and/or the Child Protective Service), the School's management of the matter will be limited to internal risk assessment and management and any other actions as directed by the external authority.

The focus of any investigative action by the School is to gather information efficiently and create accurate records that facilitate appropriate decision making.

The formality of the information gathering process will be commensurate with the severity of the matter raised. In most cases, facts can be established through normal professional meetings and conversations.

Investigating allegations of Misconduct

The following procedures should be followed for all investigations into allegations of Serious or Other Misconduct.

Meeting with Staff Member concerned:

- Within three working days of the allegation, a meeting should be arranged to inform the staff member(s) concerned of the allegation.
- The Investigation Lead should meet with the staff member and the Director of People, or delegate.
- The importance of confidentiality should be explained to all interviewees.
- The staff member should be advised that a concern about misconduct has been made and advised of the risk management plan during the investigation. The staff member should be advised of the nature of the concern. It should be explained that specific information relating to concerns will be presented to the staff member formally, following information gathering with those raising the concern, any witnesses or other relevant people or sources.

- The identities of people reporting concerns, any children or young people and any witnesses should not be disclosed at this time.
- The staff member should be provided with an outline of the investigative actions that will be taken and estimated timelines.
- The staff member should be offered professional support that may involve external referral at the School's expense, for the course of the investigation.
- The staff member should be advised of principles of procedural fairness in writing that will be applied to the investigation process.
- The staff member will be advised that the risk management plan is an action that recognises the level of seriousness of the concern raised and is not a predictive indicator of the investigation outcome.
- Any application by the staff member to resign prior to or during the investigation, will not be accepted. The School will proceed with the investigation and retain records according to the process outlined in this policy.
- If risk management for the course of the investigation involves suspension of the staff member, the staff member's School-issued electronic devices should be requested and secured, along with the Staff ID/access cards, school keys and any other school equipment / property.

Interviews with other members of Tanglin Community:

- The Investigation Management Team should arrange to interview other members of the Tanglin community who can provide relevant information regarding the concern.
- These interviews should be conducted within five working days of the concern being reported.
- The importance of confidentiality should be explained to all interviewees.
- Rationale for decisions about who to interview (or not interview) should be documented.
- The interviewer should confirm the accuracy of the information recorded with the interviewee. Adult interviewees should be requested to sign the interview notes to confirm accuracy.
- All interview records with adults should indicate the date and time, and should be signed by the interviewer and the interviewee.
- Interviews should not be video or audio recorded.
- The interviewee may be asked to provide further written responses and/or relevant documents following the interview. In this instance, timeframes should be agreed and the importance of confidentiality reiterated.
- Where it is necessary or useful to gather information from students*, each student should be interviewed individually, and the interview conducted by a member of the pastoral team who is familiar to them (e.g. Head of Year; Assistant Headteacher; Deputy Head). The interviewer should record a summary of the meeting as soon as practical after talking with each student.

*Where the concern raised involves an allegation of inappropriate interaction with children or young people, interviews with students should be managed by the appropriate Designated Safeguarding Lead (DSL) and the procedures in the Managing Concerns about Staff Interaction with Children and Young People Policy MUST be followed.

Follow up interview with Staff Member:

- A follow up interview with the staff member(s) concerned should take place within five working days of the concern being reported.
- The importance of confidentiality should be reiterated.
- The Director of People, or delegate, must also attend any interview with the staff member.
- A friend or other support person may accompany the staff member to the interview.
- The specifics of the concern should be provided in writing to the staff member. If more than one concern was raised or further concerns arose during information gathering, each concern should be listed. Care should be taken when making decisions about whether it is necessary to disclose the identities of any children or young people involved (particularly if the person reporting is the child or young person). This issue should be discussed by the Investigation Management Team prior to the interview.
- The staff member should be provided an opportunity to respond to the concerns during the meeting and/or in writing. If the staff member chooses to provide a written response, a timeframe should be agreed.
- The staff member, Director of People (or delegate) and the Investigation Lead should review, sign and date any interview notes to confirm accuracy of what was said.

Further Relevant Information:

- The Investigation Management Team and/or delegate(s) gathers further relevant information.
- The collection of information should be completed within five working days of the concern being reported. Any delays should be documented.
- All information that may be relevant should be considered and documented.
- Where assistance from staff members outside of the Investigation Management Team is required to access information, the importance of confidentiality should be explained.
- Further information may include roster or timetable information, CCTV recordings, attendance data, material on the staff member's school issued electronic devices or school managed accounts, social media material.
- Details of any previously reported concerns should also be collected.

Preparation of Investigation Report:

- The Investigation Lead prepares an investigation report.
- The report should be completed within five working days of the allegation of Serious Misconduct being reported. Any delays should be documented.
- The report will include analysis of the information gathered during the investigation and any concerns that have been previously reported, including details of any formal written or verbal warnings.
- A finding on each concern that has been reported should be made in accordance with the guidelines in the Making a Finding section of this policy.
- Recommendations for further action are formulated.
- The investigation file and report for matters involving Serious Misconduct is passed to the Chief Executive Officer.
- The investigation file and report for matters involved Other Misconduct is passed to the Director of People.
- The investigation file for matters involving Serious Misconduct is passed to the Director of People at the conclusion of the investigation.

Making a Finding

The investigation finding is an internal School assessment about whether, on the balance of probabilities, the reported behaviour occurred.

The School's finding is separate from any external agency's decision about a matter but may be informed by the external agency's investigation. For example, if a matter is referred to the police and police decide that there is insufficient evidence to pursue a matter, the School will proceed with its own investigation and assessment of the matter in order to determine an appropriate course of action.

Explanation of possible findings:

Substantiated	There is sufficient evidence to establish that the alleged behaviour occurred as described.
Not substantiated	There is insufficient evidence to establish if the alleged behaviour occurred or not.
False	There is sufficient evidence to establish that the alleged behaviour did not occur.
Vexatious	There is sufficient evidence to establish that there was no basis for the allegation being made and the allegation was made with the intent of causing distress to the person against whom the allegation was made.

Misconceived	The evidence indicates that the allegation was made in good faith but based on a misunderstanding of what actually occurred, or the evidence indicates that the alleged action occurred but was misinterpreted in intent and level of force applied.
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Decision Making

Any investigation that records findings of substantiated or not substantiated against an accusation of Serious Misconduct may result in consideration about the staff member's continued employment with the School.

Any investigation that records findings of false, vexatious or misconceived will be assessed for practice changes to minimise the risk of similar future concerns being raised and may result in some form of risk management action to this end.

If the whistle-blower or reportee is found to have made an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

Allegations of Serious Misconduct

All matters involving possible criminality or Serious Misconduct will be referred to the Chief Executive Officer by the Investigation Lead.

The following actions should be completed within three working days of the Chief Executive Officer receiving the investigation report. Any delays (such as seeking legal advice) should be documented and communicated to the parties involved.

The Chief Executive Officer will:

- Review the investigation report and recommendations.
- Make a decision.
- Communicate the investigation findings and decision to the Chair of the Board of Governors.
- Communicate the decision to the Director of People, the Investigation Lead, and the Head of School/ Director of the department to which the staff member belongs if different to the Investigation Lead.
- Communicate the decision to the staff member in person (where possible) and in writing, in the presence of the Director of People.
- Advise the staff member about the School's Formal and Independent Review/Appeal process.
- Convene a meeting with the Director of Communications, Investigation Lead, and the Director of People to make decisions about what, and how information will be communicated externally and internally.

Any application by a staff member to resign following a concern being reported and prior to, or during the course of an investigation, will not be accepted by the School. The School will proceed to complete the investigation and make a finding on the matter. If the investigation (including any appeal process) concludes that the staff member's behaviour warrants dismissal, the School's records will reflect termination.

Allegations of Other Misconduct

Decisions about Other Misconduct will be managed by the Investigation Lead, in consultation with the Director of People:

- The Director of People reviews the Investigation Lead's decisions, any proposed disciplinary action and any risk management action.
- A decision about whether the matter warrants a formal written or verbal warning should be made. All decisions and warnings should be documented.
- The decision should be communicated to the staff member by the Investigation Lead with the Director of People.
- Decisions will be made and recorded about who needs to be advised of the outcome of the investigation and what details will be communicated (for example, to the child or young person involved, parents, the person who reported the concern, other staff who may ask direct questions about the matter).
- The Director of People stores the file securely, confidentially and with restricted access.

Appeals

The staff member who is the subject of the concern may appeal the School's decision on a matter in accordance with the School's Formal and Independent Review/Appeal Request guidance.

The staff member may submit an appeal in writing to the Tanglin Trust School Board of Governors' Company Secretary to request a Formal and Independent Review.

A Review Meeting should be held, to which the staff member will be invited, within 10 days of an appeal application being received.

Risk management following an investigation

The Investigation Lead and the Director of People are responsible for formulating and ensuring implementation of any risk management plan following an investigation. The plan should include:

- Details of any restrictions to the staff member's duties.
- A plan to monitor the staff member's progress
- Details of any other staff involved in monitoring the staff member.
- A time frame for review and closure of the matter.

Records Management

Investigation files will be managed in accordance with the School's Confidentiality Policy and Personal Data Protection Policy.

During the course of an investigation, the Investigation Lead will ensure confidential investigation file management and restricted access.

At the conclusion of the investigation, the file is transferred to the Director of People. Cases of Other Misconduct will be placed on the staff member's general personnel file. Cases of Serious Misconduct will be stored securely, confidentially and with restricted access, separate from the staff member's general human resources personnel file.

Documentation for matters involving allegations of Serious Misconduct, where the finding is "not substantiated" or "substantiated" is placed on the staff member's general personnel file advising that a separate confidential file exists that may be accessed only by designated senior staff in the School for specific purposes. External reference requests for staff in these circumstances will be considered on an individual case basis.

Publication Site	School Website, Parent and Staff Portals
Source	HR