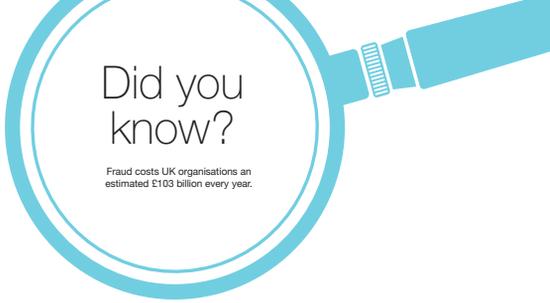


Take a  
closer look

  
acton's  
solicitors



Did you know?

Fraud costs UK organisations an estimated £103 billion every year.

## Employee Investigations in the public sector

With an upturn in reported fraud and an ever increasing regulatory environment, the public sector is under scrutiny. As a result the way an organisation manages internal crisis and the employees involved is vitally important.

In particular, dealing with the special risks within the employment law framework is a challenge for any public sector organisation.

Often organisations will not have capacity to carry out internal investigations themselves or will need to demonstrate independence to internal committees or external regulators.

### We can help

Our team can investigate the issues and present the findings for your purposes. We have experience handling the largest of public sector investigations - reducing the risk to you and letting you focus on running your service.

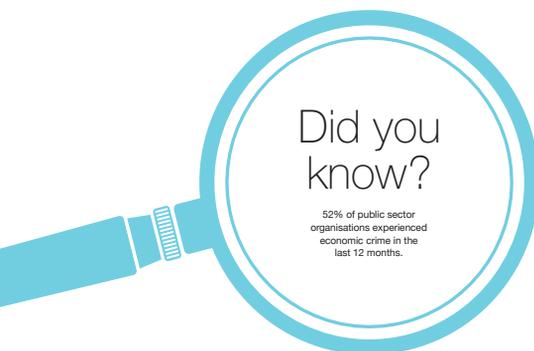
### Types of investigation:

- Fraud
- Discrimination/harassment
- Whistleblowing
- Workplace disputes (disciplinary/grievance)

We're available to support your own investigation, assist internal audit teams, or take the load off your shoulders and deal with the entire investigation from start to finish.

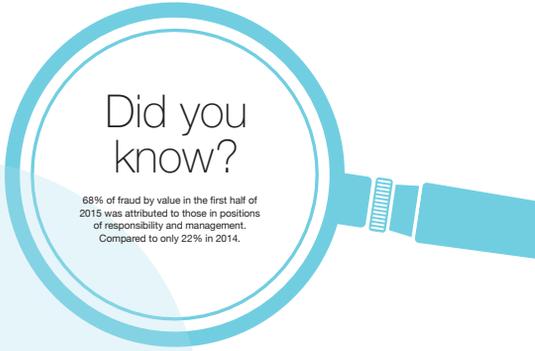
We can also train internal investigators to ensure they run the process properly and present the evidence correctly.

### Take a closer look



Did you know?

52% of public sector organisations experienced economic crime in the last 12 months.



Did you know?

68% of fraud by value in the first half of 2015 was attributed to those in positions of responsibility and management. Compared to only 22% in 2014.

## Case study

A recent investigation for **Derby City Council**.

Following the council's procurement exercise, where it was determined that only our team had the necessary experience, we conducted an internal investigation for Derby City Council. The Council required a completely independent review of the situation and an impartial view on the evidence.

Our team interviewed the employees involved using cognitive interviewing techniques, reviewing the relevant documents, and producing a report which got to the heart of the complex issues.

We presented our report which they described as "exemplary" to the Council at an internal hearing and an outcome was reached which resolved a situation that had been difficult for a number of years.

### Other investigations

Nic Elliott, who leads the investigations practice, has been involved in several investigations over the last ten years for organisations such as Isle of Wight Council, Suffolk County Council, Doncaster Metropolitan Borough Council, and the London Borough of Newham.

In the private sector, Nic has worked with a UK contract testing laboratory, a Dutch family service company, a UK retail bank and a national house builder.



### NIC ELLIOTT

Director and Head of Employee Investigations

Nic heads the Employee Investigations team, running employee-related investigations, including fraud, discrimination, whistleblowing and grievances.

He has a background in psychology and is trained in cognitive interviewing. He also trains internal investigators to conduct investigations taking into account the special risks caused by the employment relationship.

Nic joined Actons in 2012 after 8 years at international law firm, Wragge & Co and is a Director of the firm.

t: 01159 100 253 m: 07738 764 170

e: [nic.elliott@actons.co.uk](mailto:nic.elliott@actons.co.uk)

"Actons was strengthened in 2012 by the arrival of employee investigations expert Nic Elliott from Wragge & Co LLP." *The Legal 500*

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Did you  
know?

Bullying costs UK employers  
upwards of £2 billion every year.

## Hints and tips

Here are a few tips for managers leading employee investigations.

### **Preserve the evidence:**

Evidence may come in the form of paper documents or electronic data. Either way it's important it's properly preserved for use at internal hearings, legal proceedings or for providing to law enforcement agencies.

Electronic evidence can be imaged by forensic IT consultants to prove that you haven't altered the original files. Paper documents should be carefully stored - it's amazing how often they get mislaid!

### **Don't prejudge the decisions:**

Your investigation is likely to be the first stage in a longer process. Very often a disciplinary hearing will follow the investigation and it's important you don't give the employee scope to claim the process was unfair by prejudging the outcome at the investigation stage.

Conclusions like "the employee is clearly guilty of fraud and should be dismissed" won't help your case if they're made by the investigator before the disciplinary manager has even seen the case!

### **Present the evidence, not your opinions:**

Your opinions or assumptions shouldn't be the feature of your investigation report.

The key to your report is presenting the available evidence clearly and summarising it in a balanced manner.

### **Ensure independence:**

An investigator who has been involved in the issues or, for example, is an employee of a manager accused of wrong doing, will be open to challenge.

Ensure that the manager investigating is sufficiently independent and consider whether an external investigator would bring the necessary impartiality/transparency.

### **Keep an open mind:**

Often all is not what it seems! Until you have investigated the situation fully you can't be 100% sure of what has taken place.

Don't jump to conclusions too early in the investigation and make sure you have enough evidence before taking any preliminary action against employees like suspending them.



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