

WRITING AN INVESTIGATION REPORT

The end product of an investigation is usually an investigation report. This is what the decision maker will use to make misconduct findings.

What to include in the investigation report

The investigation report should:

- explain the allegations
- explain how the allegations have been handled to date
- explain the investigation methodology
- refer to and summarise all relevant evidence
- analyse the evidence and come to clear findings of fact in relation to each factual allegation, and
- consider opportunities for organisational improvement.

The investigation report should be as short as possible, while still referring to all necessary evidence. The investigation report for a very simple investigation may only be a page or two. A complex investigation report may be very lengthy.

Large slabs of copy and pasted evidence is generally not helpful. The decision maker can refer to the actual evidence if necessary. It is, however, important to accurately cite materials used as evidence in the report.

All the usual plain English and readability rules apply to investigation reports.

Format for an investigation report

There are many options when setting out an investigation report. The following is a rough guide, but your organisation may have its own investigation report template.

1. Executive summary, including summary of allegations and key findings
2. Purpose/scope of investigation and background

3. Investigation methodology
4. Evidence
5. Assessment and analysis of evidence against each allegation, with findings
6. Organisational issues/opportunities for organisational improvement
7. Conclusion/list of findings/recommendations
8. Attachments – full copies of all evidence used in the report

Depending on your organisation's disciplinary framework, it may be preferable for matters that are not directly related to the respondent's alleged misconduct to be reported separately. This may include, for example, opportunities for organisational improvement. [\[FS16\]](#) [\[FS23\]](#)

Assessment and analysis of evidence

The section of the report that analyses the evidence is the most important. It is also the hardest part of the report to write.

Remember that the aim of the investigation is not to prove or disprove the allegations. The aim is to uncover the facts. Your analysis of the evidence and the findings this process leads you to is therefore the most important part of your investigation. [\[FS20\]](#)

In the report, you should weigh up the evidence relevant to each allegation. You should explain why you have placed greater weight on some evidence over other evidence, and why you have made the findings that you did. Your rationale should be logical and clear, even to external parties.

Make sure you refer to all relevant evidence, not just the evidence that supports the findings you have made. You should discuss any disputed facts, and set out your reasons for preferring one version over another.

If you have chosen not to follow a particular process, not to contact a particular witness, or not to obtain a particular piece of evidence, you should explain your reasons.

The findings

Findings of fact should be made clearly about each factual allegation. Generally, it is best to make a finding about whether each fact is 'substantiated' or 'not substantiated'.

Another option is that the facts are 'inconclusive'. This would mean that the decision maker has to make misconduct findings without any supporting findings of fact. Generally, this would mean that misconduct findings would not be upheld.

For instance, these may be the factual allegations:

- Mr Smith accepted a gift from Company A.
- Mr Smith did not declare a gift from Company A.
- Mr Smith used his position as a regulator to gain a gift.

To make findings of fact, you need to come to a conclusion about each of the factual allegations. So, for example, your findings might be:

- Mr Smith accepted a gift from Company A – substantiated.
 - › This means that you have found, on the balance of probabilities, that Mr Smith did accept a gift from Company A.
- Mr Smith did not declare a gift from Company A – not substantiated.
 - › This means that you have found, on the balance of probabilities, that Mr Smith did declare the gift from Company A.
- Mr Smith used his position as a regulator to gain a gift – inconclusive.
 - › This means that you have not been able to make a finding about whether Mr Smith used his position to gain the gift. There may have been evidence, of equal relevance and reliability, which supported both possible findings.

The decision maker will then go on to make the misconduct findings on the basis of your factual findings. [\[FS22\]](#)

Recommendations

The investigator should make recommendations about organisational issues and improvements where necessary. This may be done separately to the investigation report. [\[FS23\]](#)

Unless you have been specifically tasked to do so, it is not the role of the investigator to make misconduct findings, or to recommend or decide on disciplinary outcomes.

Out of scope matters

You may consider including a section, or making a separate report, to alert the decision maker to 'out of scope' matters. These are matters outside the scope of your terms of reference that the decision maker should be aware of.

You should not make any recommendation or findings on out of scope matters.

An example would be misconduct allegations made by a witness that were against an employee not covered by your investigation. Another example could be allegations of systemic bullying or malpractice (this may also be identified in the 'organisational issues' section of the report).

Attachments – copies of evidence

The final investigation report should include full verbatim copies of all evidence as attachments. These should go to the decision maker with the report.

If you choose to send a copy of the report to the respondent, you do not usually need to send them these attachments, as long as the evidence is adequately summarised in the report. [\[FS16\]](#) [\[FS23\]](#)