**Formal process for investigating bullying complaints**



To ensure procedural fairness, both the complainant and the alleged perpetrator should be informed:

* of what the formal procedure entails and what the relevant timeframe;
* that both parties have the right to be accompanied and/or represented by a work colleague or a trade union representative;
* that the complaint should be in writing and that the alleged perpetrator will be provided with their copy, including written statements and any other documentation or evidence, for instance, social media communications, CCTV footage, witness statements, interview notes and records of meetings held with the witnesses;
* that no assumptions will be made regarding the culpability of the accused employee;
* that both parties will be afforded an opportunity to comment on assertions and responses made;
* that confidentiality will be maintained throughout an investigation to the greatest extent consistent with the requirements of fairness and that data protection legislation will be adhered to;
* that a written record will be kept of all meetings;
* that the investigation, having considered all of the evidence before it and the representations made to it, will produce a written report to both parties;
* that if the investigation concludes that the accused employee has a case to answer, then the report will recommend whether the organisation’s disciplinary procedure should be invoked;
* that if the investigation concludes that the accused non-employee has a case to answer, then the report will recommend a relevant sanction, for instance, exclusion of the individual from the premises, suspension or termination of a supply service or other contract, etc.;
* that the report may also recommend other actions such as further training or more effective promotion of the organisation’s policy on harassment; and
* that a right of appeal exists for both parties and that any such appeal will be conducted by a person who was not previously involved in dealing with the complaint.