

What is an investigation?	What are the essential steps in an investigation?	TIPS	Procedural and evidentiary requirements
<p>A fact-finding process – a search for, gathering and examination of information in order to establish facts.</p> <p>It is one step in a decision making process which starts with an issue and ends with a decision.</p> <p>Its purpose is to establish and document relevant facts, reach appropriate conclusions based on the available evidence, and determine a suitable response.</p> <p>The nature and scope of an investigation will depend on the circumstances of each case and any relevant statutory requirements that may apply.</p> <p>More detailed information on investigation of complaints is available in the Ombudsman WA Guidelines <i>Conducting administrative investigations</i>.</p>	<p><b>STEP 1 ASSESS THE COMPLAINT</b></p> <p>Determine what action is required, which may include options other than a formal investigation.</p> <p><b>STEP 2 SELECT THE APPROPRIATE INVESTIGATIVE APPROACH</b></p> <p>This can depend on factors such as statutory requirements which may apply; the nature of the issue; the likely outcome of the investigation.</p> <p><b>STEP 3 PLAN THE INVESTIGATION</b></p> <p>Define the subject matter and develop an investigation plan.</p> <p><b>STEP 4 ENSURE PROPER POWERS AND AUTHORITY</b></p> <p>Assess whether the investigation has the necessary powers to obtain evidence from relevant witnesses and to access relevant records</p> <p>Ensure the investigator has the authority to conduct the investigation.</p> <p><b>STEP 5 OBTAIN EVIDENCE</b></p> <p>Carry out the investigation by gathering sufficient reliable information to enable the issue to be properly addressed by proving or disproving matters relevant to the issue being investigated.</p>	<p>You will need to consider a range of factors, such as:</p> <ul style="list-style-type: none"> <li>whether the complaint involves a communication problem that can be resolved through explanation or discussion</li> <li>whether a more appropriate means of dealing with the issue is available</li> <li>whether the complaint can or must be referred or notified to a relevant government agency</li> <li>how much time has elapsed since the alleged events occurred</li> <li>the significance of the issue for the complainant and/or the organisation.</li> </ul> <p>Ask yourself whether the investigation is either evidence-focused or outcome-focused. Evidence-focused inquiries seek to pursue all lines of inquiry in a way that will meet all legal and procedural requirements. Outcome-focused inquiries are primarily directed at quickly identifying and remedying problems, and so seek to obtain sufficient information for a fair and informed judgement about the issues in question.</p> <p>Identify what questions need to be answered, what information is required to answer those questions, and the best way to obtain that information.</p> <p>Distinguish between the right to ask and the power to demand.</p> <p>If the investigation is major or sensitive, ensure you have approved terms of reference and adequate resources.</p>	<p><b>Impartiality</b></p> <p>Investigators must be impartial, adopting an inquisitorial approach, attempting to ascertain the truth and uncover all relevant facts.</p> <p><b>Procedural fairness</b></p> <p>This is very important in an investigation that could result in an outcome that affects the rights, interests or reputation of an individual.</p> <p><b>Confidentiality</b></p> <p>This can be very important in an investigation such as an evidence-focused investigation into the alleged conduct of an individual.</p> <p><b>Communication</b></p> <p>As a general rule, keep both the complainants and person or bodies the subject of an investigation informed about the progress of the investigation.</p> <p><b>Standard of proof</b></p> <p>In administrative investigations, allegations must be proved according to the balance of probabilities, that is, it must be more probable than not that the allegations are made out.</p> <p><b>Rules of evidence</b></p> <p>The rules of evidence will not apply to the majority of administrative or disciplinary investigations.</p> <p>Nevertheless it is useful for an investigator to understand the basic rules of evidence.</p>
<p>Acknowledgement: We thank the Office of the NSW Ombudsman for allowing us to use their excellent publication "Public Sector Agencies Fact Sheets A-Z" in the development of this Information Sheet, and for their continuing advice and assistance.</p>	<p><b>STEP 6 REPORTING</b></p> <p>Prepare your document setting out the complaint, how the investigation was conducted, relevant facts, conclusions, findings and recommendations.</p>	<p>Where possible separate the investigation and decision making functions.</p>	