

Building Safe Workplaces: A Practical Guide to Investigating Sexual Misconduct in the Workplace

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Summary

This article provides comprehensive best practice guidance on how to conduct fair, robust and sensitive investigations into allegations of sexual misconduct in the workplace. It covers:

- Relevant legal concepts and EHRC and ACAS guidance
- Steps you should take to effectively prepare for the investigation
- What information you should give the parties
- When it might be appropriate to suspend the appropriate perpetrator
- How to handle Police involvement
- Confidentiality and requests for anonymity
- The importance of cultural and contextual factors
- Dealing with historic allegations
- Identifying and collecting relevant evidence
- conducting witness interviews
- assessing evidence, including the concepts of plausibility and credibility
- handling multiple allegations/complainants.

Introduction

Sexual misconduct in the workplace remains a pervasive and deeply troubling issue, casting a shadow over the working lives of countless individuals. In the UK, despite significant strides towards gender equality and greater workplace rights and protections, the spectre of sexual misconduct still looms large, affecting individuals across industries and sectors.

Statistics offer a stark reflection of the prevalence and persistence of sexual misconduct within UK workplaces. According to a survey conducted by the [Trades Union Congress](#) (TUC) in 2016, a staggering 52% of women had experienced some form of sexual harassment at work. Disturbingly, the same survey revealed that a shocking 63% of women aged 18 to 24 had been subjected to unwanted advances or inappropriate behaviour in their workplace.

The #MeToo movement has gained significant momentum globally, including within the UK, and highlighted the prevalence of sexual misconduct in various spheres, including the workplace. As survivors stepped forward to share their stories, it became increasingly evident that sexual misconduct was not merely an isolated occurrence, but a systemic issue deeply ingrained within organisational cultures.





However, statistics often only scratch the surface, failing to capture the full extent of the problem due to underreporting. The Equality and Human Rights Commission (EHRC) estimates that around 40% of women do not report incidents of sexual harassment in the workplace, citing fears of retaliation, disbelief, or the perception that nothing will be done as significant barriers to disclosure. This culture of silence perpetuates a cycle of impunity, emboldening perpetrators and leaving victims to suffer in silence, trapped in a cycle of fear and intimidation.

The legal landscape surrounding sexual harassment in the UK has evolved to provide greater protections and avenues for redress. The Equality Act 2010 already outlines clear legal obligations for employers to prevent and address harassment and discrimination in the workplace, and employers have a duty of care to their employees, requiring them to take proactive steps to create safe and inclusive work environments free from harassment and intimidation.



In October this year, a new law aimed at reinforcing protection against workplace sexual harassment is set to take effect, which should mark a significant step towards making working environments safer. [The Worker Protection \(Amendment of Equality Act 2010\) Act 2023](#) will introduce a legal duty for employers to take reasonable steps to prevent sexual harassment in the course of employment, and empower Employment Tribunals to increase compensation awards for sexual harassment by up to 25% if employers fail in this duty.

One of the key steps that employers can take to prevent sexual harassment in the workplace is to investigate allegations of sexual harassment quickly and robustly when they arise, so the need for employers to have in place robust investigative mechanisms to address and combat sexual harassment effectively has never been greater. Effective investigations serve not only to uncover instances of misconduct but also to foster a culture of transparency, trust, and accountability within organisations.

In this guide, we will explore the intricacies of investigating allegations of sexual misconduct in the UK workplace, considering the legal framework and best practices, identifying relevant rights and obligations, and sharing some practical guidance on how to approach some of the most challenging technical aspects of these investigations.





Relevant guidance

Let's start with a brief look at some of the relevant guidance that's available.

The EHRC has issued detailed [technical guidance on sexual harassment](#) at work which includes, at section 5, helpful guidance on investigating sexual harassment allegations.

The [ACAS Guide to Conducting Workplace Investigations](#) is not specific to sexual harassment but provides some helpful general guidance on how to conduct a workplace investigation more generally.

The Employment Tribunal case of *Sellers v The British Council*, published in November 2021, whilst only a first instance decision and so not binding authority, is a really good example of where things can go wrong when investigating and addressing an allegation of sexual misconduct. In brief, Mr Sellers was country director for the British Council in Italy. He held a Christmas brunch at his apartment which was attended by the complainant, a female employee of the British embassy in Italy. Shortly after the party, she submitted a complaint to the British Council alleging that, when saying goodbye to her, Mr Sellers had kissed her on the lips and ran his hands over her chest. The British Council conducted an investigation, held a disciplinary hearing and dismissed Mr Sellers. He lost his appeal and submitted an unfair dismissal complaint to the Employment Tribunal and went on to win his case, due largely to the Tribunal finding that the British Council's investigation had been seriously deficient in a number of respects. We'll highlight some of those deficiencies within this article but the [full judgment](#) is well worth a read.

The focus of this article is sexual misconduct in the workplace, but the reality is that in most cases, you will be dealing with a complaint of sexual harassment, so let's spend a moment reminding ourselves of the basics of the legal concept of sexual harassment. Just to be clear, in this guide, we will use the terminology 'complainant' to refer to the person making the allegation and 'respondent' to refer to the alleged perpetrator.

What is sexual harassment?

Sexual harassment is defined in law as 'Unwanted conduct of a sexual nature which has the purpose or effect of violating the complainant's dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them.'

In our experience, it is less common to find clear evidence that the conduct being complained of had the 'purpose' of creating this type of environment. It's more likely that you will be required to consider whether the conduct had the 'effect' of creating that type of environment. When considering 'the effect' of unwanted conduct, you will need to take into account the following factors:

- What was the complainant's perception of the conduct? This is assessed subjectively, so the complainant's evidence on this issue will be critical to your investigation.
- Whether it is reasonable for the conduct to have the effect that the complainant alleges when assessed from an objective perspective. It is important that the complainant's perception is judged against an





objective standard because you may well come across cases where the complainant misinterpreted conduct or has been unreasonably sensitive. A good example of this is the [Employment Tribunal case of Karina Gasparova v essDOCS EMEA LTD](#), where Ms Gasparova was judged to have construed innocuous work-related incidents with her boss as having ‘sinister sexual motives’, such as interpreting his use of question marks in an email to her as indicating that he was asking her when she would be ready to engage in sexual acts, accusing him of trying to chat her up when he ran his hands through his hair whilst staring at her, and, where he had used ‘x’s in an email to signify where he needed more information, she interpreted this as kisses. The Tribunal found that she had a “skewed perception of everyday events (which) demonstrated a tendency to make extraordinary allegations without evidence”.

- Any other circumstances of the case which might be relevant – for example, you might need to take into account the complainant’s personal circumstances, health or other vulnerabilities, whether the respondent was in a position of trust, power or seniority, and any factors relating to culture or religion.

Bear in mind that sexual interaction that is invited, mutual or consensual is not sexual harassment because it is not unwanted. However, sexual conduct that has been welcomed in the past can become unwanted.

Preparing to start your investigation

A complaint of sexual misconduct can come via a variety of routes, for example a verbal complaint or a formal written grievance. It may come directly from a victim, or it could be raised as a concern by someone on the victim’s behalf.

You will need to decide on which of your organisation’s policies are relevant to the allegation when deciding how you investigate it and you should always put in place some comprehensive terms of reference which set out clearly the allegations that need investigating, so that there are clear parameters around the objective and scope of the investigation.



Make sure you have in place support measures for both the complainant and the respondent throughout the duration of the investigation, and the EHRC guidance says that you should set and communicate to the parties target timescales for the investigation and update them regularly as it progresses.





Who should conduct the investigation?

Think about who would be the most appropriate person to conduct the investigation. The EHRC guidance says you should think about the level of expertise and experience needed for the investigation, and also bear in mind that the ACAS guidance on investigations says the more serious the allegation, the more thorough the level of investigation required.

In sexual misconduct cases there may well be someone's career and professional reputation on the line, so think about whether the investigator has the right level of training and experience. If you don't have anyone with the required skill set, you might want to consider an external investigator. Think about whether a female investigator would be more appropriate if the complainant is female, given the sensitivity of the issues that might need exploring.



“the more serious the allegation, the more thorough the level of investigation needed”

What should the respondent be told about the allegations?

The respondent should be given sufficient detail about allegation(s) to be able to respond, so in most cases they will need to be given a clear understanding of the what, who, when, where and how. And think about whether there are particular items of evidence that the respondent might need to see at an early stage of the investigation in order to understand the nature of the allegation – for example, copies of emails or messages where such communications are alleged to amount to sexual harassment.

What if the complainant does not want an investigation?

If the complainant does not want an investigation, you might need to investigate anyway, even if it's against their wishes. The EHRC guidance says you should consider why they don't want an investigation how serious the allegation is, and whether you can give them reassurance or put in place measures to overcome any concerns they have. Where possible, respect the complainant's wishes, otherwise you risk compounding any harm they have suffered, but you need to balance the risk to the complainant against the wider risks that the alleged conduct might pose to others and the reputation of the organisation.

Should you consider suspension?

You should consider whether it would be an appropriate and reasonable step to suspend the respondent pending the outcome of the investigation, but suspension should never be a knee-jerk reaction and it may not be necessary. You will need to take into account things such as the gravity of the allegation(s), the potential risk to the complainant and others, and any risk the respondent might pose to the integrity of the investigation if they remain in the workplace. You should also consider whether there are viable alternatives to suspension





such as redeploying the respondent to a different area or location. Be wary of redeploying the complainant, as this could be seen as victimisation.

What if the Police are involved?

Before you take any steps to investigate, consider whether the complaint could constitute a criminal offence and whether the complainant has reported it to the Police or intends to do so. The risk here is the possibility that your investigation might interfere with or prejudice any criminal investigation or prosecution. If the allegation has already been reported to the Police, find out what steps the Police have taken, whether they are actively investigating it and, if so, what the timescales are for concluding their investigation.

If the allegation has not been reported to the Police, consider whether you should report it. This should be the complainant's decision in most cases and you should try to respect their wishes, but you might need to consider the possibility of wider risk or harm if the allegation is not reported to the Police, for example where there is evidence to indicate there may be other victims or that there might be a wider risk to the public.

If the Police are involved, don't just assume that you can't take action. Liaise with the Police to explain that you wish to commence an internal investigation and ask them whether they have any objections to you doing so. Ask them to confirm their position in writing so that you have a record of it. Ultimately, even if the Police say you can proceed with your investigation, you will still need to think about whether it's reasonable to do so before the outcome of the Police investigation or any criminal trial that might follow. For example, you should consider the possibility that the respondent might receive legal advice not to engage in an internal investigation. In those circumstances, would it be fair on the respondent to proceed with an internal investigation if they are advised not to engage?

If you decide to wait for the outcome of a Police investigation or criminal trial, you should review how things stand after the outcome before moving forward with your investigation. Remember the difference between the criminal standard of proof (beyond reasonable doubt) and the balance of probabilities standard that applies in a workplace investigation. Even if the Police or CPS decide not to pursue the case or the respondent is acquitted at trial, don't assume you can't proceed with your internal investigation. The respondent may be resistant to you doing so, but you need to consider your duty to the complainant as their employer and the wider risks of not investigating.

Confidentiality and anonymity

Confidentiality is of particular importance in sexual misconduct cases and the EHRC says you should warn witnesses in the investigation that it is a disciplinary offence to breach confidentiality. But don't let the need to maintain confidentiality prevent you from interviewing relevant witnesses. In the Sellers case, the British Council was criticised because they decided not to interview potentially relevant witnesses in order to maintain confidentiality.

Anonymity should be granted to witnesses, including the complainant, only in exceptional cases because the respondent has a right to understand the case against them so that they can defend themselves against it. As





an investigator, you would need to be satisfied that there are very good reasons for anonymity and that, before granting it, consideration has been given to any impact on the respondent and the robustness and fairness of investigation. Bear in mind that any future formal internal and external processes may require the evidence to be presented in such a way that anonymity is not possible (e.g. the employment Tribunal or regulatory proceedings). So even if someone is granted anonymity, it can't be guaranteed and needs to be qualified.

Before granting anonymity to the complainant or a witness, you should explore with the individual why they are concerned and whether steps can be taken to reassure or protect them and alleviate their concerns in order to enable their open engagement in the investigation.

The importance of culture and context

You should always take account of the prevailing culture and context. For example, are you dealing with a culture where coarse or sexual banter is the norm, or where there is evidence of a history of poor behaviour that has not been called out or addressed and allowed to carry on to the extent that it has been normalised? Is there evidence to indicate that the complainant has been a party to sexualised behaviour? If so, could they have consented to the behaviour, or is it reasonable for them to have perceived it as sexual harassment?

Think about whether there might be power imbalances or dynamics at play – very common in healthcare settings where well-established senior medical staff might be treated deferentially, and staff might be reluctant to speak out against them for fear of reprisals or respect for an authority figure or their clinical capabilities or reputation.

Has the alleged sexual misconduct occurred in the context of a current or recent personal friendship or an intimate relationship? If so, you might need to consider whether the conduct was genuinely unwanted and non-consensual.

Dealing with historic allegations

The EHRC guidance is clear that employers should not set time limits for sexual harassment allegations. There can be all sorts of reasons why someone might feel unable to raise concerns at the time. Don't assume that because an allegation is historic you won't be able to investigate it because you won't know until you start to investigate what evidence is available.

Having said that, let's acknowledge that historic complaints may be difficult to investigate due to the passage of time and the impact that this will have on recollections and the availability of other evidence. You might want to consider the availability of evidence of contemporaneous communications, for example, did the complainant report the incident to anyone at the time – a colleague, partner or friend outside work perhaps? Think about what other documentary evidence might be available – for example, diary entries, notes and messages that reference the alleged conduct. Try to get clarity on dates and times of the alleged incident. With historic allegations this is often a challenge in itself, so you might need to try to link the incident to other





events relevant to the parties, or cross-reference to things like work calendars, shift patterns, or emails and messages.

Given the time lag with historic allegations, you may need to consider speaking to key witnesses who have left the organisation. They may well be reluctant to engage with your investigation and you can't compel them to participate, but you should at least, try bearing in mind the higher standard of investigation required in sexual misconduct cases because of the risks and implications involved.

You might want to consider where there is any evidence of a previous track record of similar conduct by the respondent which indicates a pattern of behaviour over time that may be relevant to the allegation you are investigating.

And be open to the possibility that you won't be able to make a reliable finding on the balance of probabilities whether the allegation is well founded. Ultimately you might not be able to uncover sufficient evidence, and that's fine. The key thing is that you haven't made that assumption at the outset but have reached that conclusion after a reasonable level of investigation.

Conducting witness interviews

Your investigation is likely to be taking place in a highly sensitive situation, so you will need to think carefully about the best way to conduct the interviews in terms of logistics for the complainant, respondent and witnesses and be prepared to adopt a different approach to how you might normally do things. Face to face interviews are often preferred in sexual misconduct cases as it is easier to build a rapport and put the person at ease, although remote meetings can have the benefit of flexibility in



terms timing and also allows the person to have the meeting in their own private space. If meeting face to face, consider whether a neutral location is required, because meeting in the workplace could trigger anxieties and may also present issues in terms of confidentiality.

Consider holding the interview over multiple sessions where an individual might be particularly distressed, or where there is a large amount of ground to cover. In our experience, it's difficult for anyone to sustain their concentration for more than two to three hours, particularly where there is a lot of anxiety or emotion involved.

Be prepared to go outside normal policy on the right to be accompanied for both the complainant and the respondent. In situations where they are not a union member and feel uncomfortable being accompanied by a work colleague, the EHRC says you should consider allowing them to be accompanied by a friend.





Think carefully about the order in which you will interview people. In almost all cases you will want to interview the complainant first to get a clear understanding of the circumstances giving rise to the allegation. The EHRC says the respondent should also be interviewed at an early stage if possible, but don't rush into it – you might need to gather evidence from other witnesses to establish more facts before speaking to the respondent.

Detail is of particular importance when investigating sexual misconduct allegations which involve incidents where it's the complainant's word against the respondent's, with little or no corroborating evidence either way. You may have to make finely balanced judgements about the credibility of the parties' accounts, so the level of detail in their accounts is likely to be incredibly important. You will need to be particularly thorough in your preparation for interviews to ensure that you are covering all relevant events in sufficient detail, so it might be helpful to prepare a detailed script of questions in advance. If you are poorly prepared and blundering through the interview, the parties are likely to pick up on it and their confidence in your abilities as an investigator, in your investigation and in your ability to reach fair and robust conclusions may be fatally undermined.

Detailed interviews are going to be of limited value unless that detail is comprehensively and accurately captured in a written record, so make sure you have arrangements in place for a verbatim or near-verbatim note of the interview. If you are not confident about note-taking, consider audio recording and getting the recording transcribed.

Be aware of the sensitivity of the subject matter. For the complainant in particular, having to go describe potentially traumatic events can be very upsetting. It is important to go gently, be mindful of how your questions will make them feel and avoid any semblance of a cross-examination. But at the same time, gathering the right level of detail is essential to ensure you are able to conduct a thorough investigation. A good example of a treacherous area of questioning is the complainant's sexual history. The EHRC guidance says that it is not appropriate to ask a complainant of sexual harassment questions about their sexual history, but it's possible to imagine a scenario where it could be relevant, for example where the alleged harassment has taken place in the aftermath of a consensual sexual relationship with the respondent. Just be very wary in this type of investigation.

Collecting evidence

As noted above, the reality is that in many cases of sexual misconduct in the workplace, there is likely to be a lack of strong corroborating evidence for either party's account, and the simple reason for that is that sexual harassment often takes place in situations involving two people behind closed doors. In those cases, detail is going to be exceptionally important and you will need to be going above and beyond the level of detail that you might obtain in other types of investigation.

First and foremost, you will need to obtain really detailed accounts of the events leading up to the incident, the incident itself and its aftermath – ideally a moment-by-moment timeline of the incident – as well as any relevant wider context.





Be proactive in identifying witnesses – it's not necessarily the job of the parties to identify witnesses. Certainly ask them just on their thoughts of potential witnesses, but as the investigator you need to be taking proactive steps to identify anyone who might have witnessed something relevant, whether before, during or after the incident.

You should interview all potentially relevant witnesses unless there is a good reason not to, bearing in mind the higher duty of investigation that applies in sexual misconduct cases. In the Sellers case they failed to proactively identify people who were at the party and who might have witnessed the incident and therefore missed out on potentially crucial evidence. Should you consider interviewing witnesses outside the organisation? Yes, you should, but you need to balance the potential value of their evidence against the need to maintain confidentiality.

The same proactive approach should be adopted with other evidence. Don't rely on witnesses to come up with evidence – be proactive in questioning witnesses about what evidence they think is or might be available. So much communication takes place now on instant messaging Apps and social media, so you might need to obtain relevant copies or screen shots from parties.

You should try to establish as much details as you can about the scene of the incident. Think about whether you could obtain plans or photographs of the incident location showing where the parties were – you might want to consider a site visit. In the Sellers case the British Council was criticised for a lack of clarity around where in an apartment the incident took place and the sequence of events.

CCTV or other audio/video recordings might be relevant, particularly where the incident takes place during a social event, for example in a bar or nightclub. We have dealt with a case where CCTV footage from a bar where an act of sexual harassment was alleged to have taken place fundamentally undermined the complainant's account of what happened, and another case where video footage taken by people on their phones at a work social event helped us to assess the behaviour of a colleague accused of sexual harassment.

If you have had to wait until the outcome of a Police investigation or criminal trial before commencing or restarting an investigation, think about whether you can obtain evidence from the Police investigation or the criminal trial, for example statements taken by the Police. It might be helpful to arrange for someone to attend the trial to make notes of key evidence. This type of evidence can be really useful when assessing the plausibility and credibility of the parties and other witnesses because you can compare what they said to the Police and during the trial with what they say to you during your investigation and assess the consistency of their account.





Assessing the evidence

So, you have conducted your investigation and gathered the evidence and now you have to assess all the evidence to make your findings of fact and reach conclusions in your report. Remember, you are working to the 'balance of probabilities' test, which means forming an assessment (if you can) of what is more likely than not to have happened. This task may well be much more straightforward if you have been able to speak to people who directly witnessed



whatever is being alleged or there is clear documentary or other evidence, for example, sexually inappropriate messages. But in those cases where there are no direct witnesses to the alleged incident or any other clear corroborating evidence, the relative plausibility and credibility of the complainant and the respondent may well be absolutely key considerations for you.

Let's just remind ourselves what we mean when we talk about 'plausibility' and 'credibility'.

- Plausibility – 'the quality of seeming reasonable or probable'

Ask yourself the question – is there anything to suggest that the person's account is not reasonable or probable? For example, is it contradicted by the accounts of third parties or some other evidence, or does their account seem implausible or improbable in the circumstances for some other reason?

- Credibility – 'the quality of being believed or trusted'

Ask yourself the question – is there anything to indicate that the person's account is not worthy of trust or belief? For example, is there any aspect of their account which can be proven to be dishonest which might suggest that they can't be trusted or believed more generally? Or has the person given inconsistent accounts, either in terms of what they have said happened or the level of detail they are able to provide? If someone has a poor recollection of events generally but can provide a detailed account of a particular aspect, or vice versa, that might well be a red flag around the trustworthiness of their account.

Here are a few key things you might want to consider when assessing evidence and the plausibility and credibility of people's accounts:

- Does the complainant's reaction to the alleged conduct seem credible? Remember the 'Fight/Flight/Freeze' response and be mindful that people respond in a variety of ways to traumatic events. Often the 'Freeze' reflex (i.e. to try and carry on as normal) takes over, so whilst you might expect the complainant to scream, fight or run, they might (quite reasonably) have responded very differently.





- How did the parties behave immediately after the alleged incident? Was the complainant distressed and if so was this witnessed by anyone? Did either party speak to anyone immediately after the incident, and if so, did they make any reference to what had happened?
- How did the parties interact in the hours, days and weeks after the incident? Were there any signs of changes in their behaviour or demeanor, or in their communication or relationship with one another? It's worth noting here that the importance of exploring the wider circumstances was emphasised in the Sellers case, where the British Council was criticised for taking too narrow a view – focusing too heavily on the specific alleged interaction giving rise to the allegation and not considering the wider circumstances and events.
- Think about to what extent recollections might have been affected by factors such as the passage of time or alcohol consumption. To what extent could such factors impact the extent to which you can trust their account of events?
- Is there any evidence of an ulterior motive for raising the complaint which might indicate that it is not genuine? But beware of placing too much emphasis on this – remember that the absence of evidence of an ulterior motive does not mean there isn't one, and don't place an onus on the respondent to come up with an ulterior motive. Ask them about it by all means, but it's the investigator's job to explore this to establish that the complaint is genuine.
- Is there any indication of past similar behaviour on the part of the respondent or of similar types of complaints being made about them which might indicate a pattern of behaviour? Has the respondent been found to have done anything like this before or have other interviewees given accounts of similar types of behaviour?
- Has the complaint victim raised concerns about the respondent in the past? They may not have raised concerns formally, but perhaps they have raised concerns about the respondent informally with colleagues, their partner or a friend? If they have could this be evidence which supports their account.

Where there is very little by way of evidence to corroborate either party's account, you will need to think carefully about whether you can make a reliable finding either way. You might not be able to. The ACAS guide to investigations encourages investigators to make findings on the balance of probabilities where they can justifiably prefer one person's account to another and explain why, but you shouldn't feel under pressure to reach a finding where you don't feel it would be reliable.

In the Sellers case, the British Council was criticised for deciding that they believed the complainant without any clear rationale. In that case, the complainant's account was noted as being hazy, whilst Mr Sellers was clear and consistent in denying the allegation, yet the inconsistencies in the complainant's account were not scrutinized, whereas minor inconsistencies in Mr Sellers' account were. So be very wary about deciding you believe one person over another where there are unexplored avenues of investigation, as in the Sellers case, and don't rely on a 'gut feel' because that brings a clear risk that unconscious bias could creep in.





Remember, the onus is on you to justify why you have preferred one person's account to another person's, so spell out your rationale for any findings clearly in your report. When you come to be questioned on your findings in a disciplinary hearing or cross-examined in an Employment Tribunal hearing possibly years down the line, you'll be really grateful that you did so.

Dealing with multiple allegations/complainants

When dealing with multiple allegations from different complainants you'll need to, consider each specific allegation on its merits and make an assessment of whether you can make a reliable balance of probabilities finding based on the evidence you have obtained.

Where you are investigating multiple allegations from one complainant, if you are able make a balance of probability findings in favour of one party in respect of some allegations but not others, consider whether your findings have implications for the plausibility and credibility of the other party's account more generally.

However, you might want to, consider whether there are similarities in reports of alleged behaviour and whether there appears to be a pattern of behaviour. Again, if you were able to make balance of probabilities findings in favour of some complainants but not others, does that make it more likely that the allegations where you can't make findings are also more likely than not to be true? Potentially, it does, but be sure to give careful consideration to the possibility of either cross-contamination between complainants' accounts or outright collusion.

These are the types of things that you might want to address in the conclusions section of your report, where you bring all the various aspects of your investigation and your findings together and assess whether there is a disciplinary case to answer.





Summary of key points

To conclude here is a quick reminder of some of the key things to remember when investigating alleged sexual misconduct in the workplace;

- Plan your investigation carefully and read the available guidance
- Be prepared to depart from your approach
- Consider Police involvement
- Don't assume you can't investigate historic allegations
- Take account of the wider culture, context and circumstances
- Detail in the witness accounts and evidence is crucial
- Think proactively about corroborating evidence
- Make sure you have a clear and objective rationale for your findings and that it is set out clearly in your report.

Contact us

If you'd like to have a confidential discussion about how [ibex gale](#) can support your organisation with a sexual harassment or other workplace investigation, please [get in touch](#).



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