

# Risk Incidents and Complaints Management



## Investigation Procedure Checklist

### Instructions:



This checklist contains recommended elements to guide the conduct of investigations. The NDIS Commission requires you to have a way to conduct an investigation into an incident to identify what caused it and how to prevent it from happening again. This checklist is intended for senior staff with formal responsibility for conducting investigations as part of their role on behalf of their service.

This checklist is general in nature and intended to be used as a guide. It can be adjusted depending on the size of your service and the supports it provides.

***TIP: See Investigation Plan Template and Communication Plan Handout***



# Investigation Procedure Checklist

## Stages of an Investigation

### 1 Clarification/Scope of the investigation

You identify that there is an issue or incident that requires investigation.

You conduct a risk assessment to determine what, if any, immediate steps need to be taken to protect people or property.

You consider who may need to be immediately notified of the investigation including the Board, stakeholders, regulators or law enforcement agencies.

You clearly define the incident/issues .

You identify all relevant persons to be involved in or parties to, the investigation, including support people and their role.

You identify a list of issues to be investigated (lines of enquiry) as well as identifying what will not be within the scope of the investigation.

You broadly identify sources of evidence that you will use to obtain the required evidence, including witnesses.

You set out the clear principles of procedural fairness and right to reply, integrity, confidentiality and any declarations of conflict of interest.

A brief overview of the scope and nature of the investigation is communicated to the people affected and other required stakeholders (e.g., Guardians, families), using their preferred communication styles.

You ensure a sufficient understanding of the person with disability's communication ability and needs, to allow them to participate in the investigation. This includes planning for regular communication with the person with disability/their family/advocate.

### 2 Planning

You identify each issue.

You determine what questions need to be answered, what information is required to answer those questions and the best way to obtain that information.

The investigation plan should outline any supports required to ensure full participation by all stakeholders, including communication supports, how they will be sourced, and what assistance is required to use them. Ongoing trauma, medical and counselling supports may also be required for victims and witnesses.



You determine what information to obtain, from whom and how it should be obtained, in order to obtain all the facts.

You determine the evidence required to obtain the most useful and adequate information to establish the facts.

Service providers should rely on the best evidence available; evidence should be relevant to the facts at issue.

You determine evidence includes anything relevant that contributes to an understanding of the incident and may be used to corroborate or disprove allegations. The more sources of evidence that form part of an investigation, the better. If at any stage of your investigation, additional evidence is encountered that relates to potentially criminal activity, it should immediately be brought to the attention of police.

You aim to gain a contextual understanding of the incident and the issues that gave rise to it and how it may be efficiently handled.

You develop a plan of approach to your investigation (See Sample Investigation Action Plan) to enable you to plan and keep an overview of the status of an investigation.

Your plan outlines a methodology for the investigation, including key actions, order of operations, people responsible and timeframes for completion to assist with keeping on track.

You plot investigative milestones and expected time frames, including ongoing and regular risk assessments.

You create a communication plan (see Communication Plan Handout) which outlines who will be notified about investigative milestones, when and how. You clearly document any reasons for decisions not to communicate with stakeholders such as the organisation's Board, regulators or law enforcement agencies. You revisit these decisions regularly throughout the process. Document any conversations had with Board, regulators or law enforcement agencies.

You ensure all investigations are completed as swiftly as possible, subject to the complexity of the matter and requirements of police and relevant external bodies.

The types of evidence required may include:

- Interview evidence from people involved (see Interview Tips)
- Documents/records (emails, file notes, charts, digital information)
- Personal or formal notes that may indicate behavioural changes during period of alleged incident(s)
- Photographs (e.g., bruising, scratches) and video, including security footage
- Any physical evidence such as damaged furniture and clothing
- Medical and other reports
- Correspondence between worker and employer
- Site inspections.
- Policies, procedures and guidelines relevant to worker duties and expectations.



### 3 Information collection

Once you have determined the required information and how this is to be collected, you gather this according to your plan. Your plan is a living document and can be updated and amended as required.

At relevant stages you assess the information received to ensure you are collecting the right types of evidence from the correct sources, and that it is leading to making a finding and/or recommendation for an appropriate outcome.

You keep investigation records.

- Identify, label and keep all evidence
- Document the source of all information collected by the investigation
- Keep records to show that the investigation was conducted in a fair and impartial manner, this may include file notes of discussions about decision making, conflict of interest declaration and management plans, or any other relevant materials.
- Ensure that all records, logs and evidence are stored securely.

### 4 Investigation analysis (see Identification and Analysis of Evidence Handout)

You weigh Information collected to confirm you have gathered enough evidence to make a finding.

You evaluate all evidence collected including identifying

- What is agreed on by interviewees
- What facts are in dispute, what evidence the investigation accepts in relation to disputed matters and why
- Is there sufficient information to determine whether particular standards have been met?
- Whether there are inconsistencies
- Is there independent corroboration?

### 5 Appropriate Action

You ensure the evidence can support findings and recommendations that adequately address poor systems or staff performance identified by the investigation.

Your recommendations are based on the evidence and are informed by principles of:

Possible outcomes could include:

- Insufficient evidence; no further action
- No action possible
- Incident not substantiated
- Incident substantiated
- Policy/procedure change
- Equipment reviewed/repared /replaced



- Apology or other redress offered
- Staff member counselled/disciplined
- Staff education provided
- Systems review
- Referral to appropriate authority-e.g., police.

## 6 Investigation Report

The investigator provides a detailed report that allows your organisation to make decisions about required outcomes. (See sample Investigation report template)

Your Investigation Report findings form the basis of decision making around outcomes for all parties. Refer to the Investigation Report Template (Appendix C) for further detail about the suggested structure and content of this report.

The Investigation report should be completed by the Investigator, see the Investigation Report Template (Appendix B) for further detail about a recommended structure and information to include. The report should include:

- A description of the issue/matter being investigated
- Details of the allegations
- Investigation methodology, including process, all inquiries made, who was interviewed and what other evidence was taken into account i.e., documents
- All identified and confirmed facts about events
- Detailed summary of the key evidence
- Analysis that weights and discusses the evidence considered by the investigation. If there is limited supporting evidence and/or there is a question of conflicting statements and the investigation relies on one over another, reasoning must be provided.

Information that does not have over reliance on a single witness or piece of evidence. If there is reliance on the evidence of one witness, reasons must be given as to why their evidence is preferred by the investigation.

There is a clear consistent narrative of events to inform a conclusion

- Clear and succinct conclusions and findings based on the evidence presented
- A statement that allegations have been substantiated/not substantiated (based on available evidence)
- Recommendations for your organisation, person impacted by the incident and respondent
- The report satisfactorily addresses the evidence provided by all parties
- The Investigation is thorough, and all avenues of enquiry have been followed.
- Contact Person and Investigator to finalise and sign Investigation Report.

Once the report is finalised, it should be provided to the C.E.O. or a suitable senior manager within the service for action. The report should generally also be provided to the Board, and regulators if required.