

Independent Investigations

-The productive resolution of conflicts-

Contrary to popular belief that *'conflict is always bad'*, a level of conflict can actually help organisations make progress. Conflict can spur creativity (*'the clash of ideas'*), drive superior solutions and help develop deeper understanding between colleagues. But conflict can also be terribly damaging when it's focused on people rather than ideas or strategies (*'the clash of egos'*), sometimes creating a long-running festering sore which is difficult to resolve. Given the inevitability of some conflict emerging, organisations need to have effective ways of resolving disputes quickly and productively while complying with both best practice and the principles of natural justice.

Fact Based: Establishing the facts of what's going on or what has happened is frequently central to the resolution of workplace disputes. This is generally best completed by an independent third party. Independent investigation involves an experienced third party conducting a thorough and fair assessment of disputes over work roles, promotions, allegations of bullying or harassment etc. An independent investigation allows the parties to a dispute or accusation to make an input through documents and/or interviews. It leads to a report with findings and conclusions with recommendations for how to improve the situation.

Agreeing Terms: Investigations are generally framed by current agreements e.g. 'dignity at work' and by national codes of practice set out by the Labour Relations Commission and the Health and Safety Authority. For issues not specifically covered by existing policy and procedures, specific terms of reference are usually agreed beforehand by the parties. The main benefits associated with independent investigation are:

- All parties can contribute to the terms of reference and to the selection of the third party.
- Everyone has an opportunity to give an account of the situation from their point of view and to understand the points of view others hold.



- The investigator brings an independent perspective that allows him or her to rise above personal or sectional perspectives.
- The investigator applies a professional, tried and tested methodology that is tailored to the specific issues/situation.
- Having an investigation allows the parties to stand back from any immediate conflict and to resume normal working where this has been interrupted.
- The parties receive a detailed report based on a professional assessment of the facts surfaced in the course of the investigation.
- Such reports provide a foundation for empowering parties to resolve the issues themselves and a basis for management decisions i.e. what needs to happen next.
- As well as leading to solutions to immediate problems, investigators' reports can highlight systemic problems that can be remedied through preventive measures.

Beyond Blame: Our central objective is to move beyond 'blame allocation'. Our focus is on the practical resolution of the presenting situation. We also try to produce an outcome which is 'future focused' - adding real value to the organization in terms of managing similar situations which may occur in the future.