

### 4 W's Fact-Finding Process (Informal)

**What**

**Who**

**Why**

**Way Ahead**

Whilst all fact-finding will ultimately ask the question why, it is essential that early intervention looks at what happened, who was hurt or harmed, why did this happen and what is the immediate way ahead to begin repairing and **ensuring it doesn't happen again**.

A Just Culture looks first at **what** was responsible for an issue or situation before looking at who was responsible. The actions of individuals need to be placed into context early, not at the end which often happens.

By adopting a Just Culture approach to employee relations matters we will make our fact-finding processes **constructive** rather than *destructive*. The rebuilding or repairing of relationships and situations needs to be a part of our fact-finding process.

Line Managers are crucial in this role, and whilst HR and Staff Side partners can support the process, essentially a 4W's is conducted one to one.

Timeliness is of paramount importance to ensure that memories do not fade, and recollections of events do not get distorted by the views of others.

Employees need to take responsibility and be accountable for their actions, however, so does the organisation. To do this, individuals and their actions need to be placed **into** context via **immediate** fact finding **before** any **formal investigation** is considered.

Line Managers need to establish:

- **What** has happened?
  - **Who** was hurt or harmed?
  - **Why** did it happen?
- What is the immediate **Way Ahead**?

*NB: Where an issue relates to the line manager, the line manager's manager will conduct the 4W's.*

## **4 W's Fact Finding:**

**What** has happened and **Who** (or what) was hurt or harmed?

- Summary of what happened.
- Statement from the member/s of staff involved
- Statement from witnesses

**Why** did it happen?

- Has there been a **System** failure – was the policy or procedure not adequate or not followed – if not, why not?
- Is there a lack of **resources** – was equipment or staffing correct and available?
- Do the individuals involved have the **Knowledge, skills** or **awareness** – did they know what to do, are there training issues?
- **Mitigation** – are there any personal factors that have contributed?

What is the **Way Ahead**

- Is there any immediate action or intervention that could be done to stop a repeat or to repair a relationship quickly?
- Is an immediate referral for support required, for example to Occupational Health?
- Should a restriction be put in place immediately so that training or a repair could be completed?
- Restorative justice is at the heart of this process so seeking an appropriate Way Ahead is fundamental.

The employee can either submit a summary to support what is being said or the manager will make a brief note of the discussion which will be signed and dated by the employee.

Once fact finding is complete and immediate restorative action taken, the manager may determine no further action is required. In that case the manager will summarise the events and the outcome in a letter to the employee, placing a copy, along with the fact-finding documentation, on the personal file.

If the manager believes that matter requires further action, or is unsure, then contact should be made with the Workforce Advisory Service requesting support and guidance. Copies of all fact-finding documentation should be provided, and an appropriate member of the Workforce Advisory Service will make early contact with the line manager to discuss and agree the following:

- Is a formal investigation required?
- Who has approved this?
- Who will investigate?
- Could fast track be an option?

Where it is determined that a formal investigation is necessary this will commence as soon as possible, with the appointing manager confirming that the investigation manager has the necessary time and ability to fulfil this role. Investigations should be commenced and completed within the minimum timeframes possible. HR and Staff Side will be as flexible in supporting efficient investigations thereby further minimising the impact of the individuals involved.

Where a suspension is considered, appropriate this can only be authorised by 2 people, one of them whom will be an Executive Director or their nominated Deputy. Where an employee is suspended this will always be for the minimum period necessary.

Is 4 W's suitable for all processes?

No, 4W's is not suitable for those processes enacted by our employees, such as Bullying & Harassment, and Grievances, both of which have their own informal stages. 4 W's is also not suitable for Medical and Dental Staff who have their own fact-finding process embedded within MHPS.

A proforma has been developed to support managers with the process and is available via OneHR.