

SERVICE MODEL - INVESTIGATION

Purpose Statement: Conducting an investigation on the case and reaching a decision.

METHOD		
Objectives	Actions	Behaviours/Working Practices
Step 1 - Review, confirm and plan the investigation.	<ul style="list-style-type: none">Review of all papers on case file.Contact the complainant if the case was reallocated from assessment. Agree how, and how often, the complainant will be updated. If not possible to contact, record why and details of attempts to contact.Carry out detailed scoping of investigation, proportionate to the substantive complaint, using available case information, the proposed investigation, and any comments received.Inform organisation and complainant of the scope and check that that they fully understand and accept it before confirming the investigation.Identify what additional evidence to that already received, is needed and how to obtain it.Write an investigation plan with a target date for when the case is intended to close by, showing how we intend to close the case by that date and detailing dates for when the key activities will take place by.Discuss the plan with all parties on all types of investigation and document discussion. Explain the intended target date and the key activity milestones.Review and update the plan accordingly (particularly if the case is delayed beyond the target date), including taking the necessary actions to update parties on cases over 12 months old, as required to do by law (can occur throughout the life of the case).Consider whether to route case for complex or significant team consideration in agreement with a manager.Contact organisation if further information is needed, ideally by phone.Review risk and document risk assessment on case management system.Consider if there is any reason to discontinue the investigation.	<ul style="list-style-type: none">I will contact the complainant by telephone to introduce myself and explain that I will be investigating the complaint. (If reallocated from assessment)I will provide upfront information about what happens during the investigation.I will discuss our proposed investigation and what we will be investigating, giving an indication of how long we expect things to take.I will obtain acceptance of the scope of the investigation before proceeding.I will audit any activity, significant discussions or decisions on a case on CMS, and explain any significant periods of inactivity in advance where possible.I will agree with the complainant and the organisation how often they would like to be updated on the progress of the investigation, and maintain regular communication in line with these preferences.I will investigate sensitively and with clear understanding of the issues.I will take a proportionate approach conducting the investigation following agreed methodology.I will carry out a transparent and fair investigation that regularly explains what evidence we are looking at, what impact that may have on our decision, and what further information we may need.I will be open and transparent with the complainant and the organisation about what we are seeing during our investigation and, share facts and discuss what we are seeing throughout the investigation.I will telephone the complainant when I am issuing the draft report and will offer them follow up time to
Milestone 2 - Investigation confirmed. All above actions completed before proceeding.		
Step 2 - Undertaking the investigation - gathering evidence.	<ul style="list-style-type: none">Request evidence proportionately, ideally by phone/electronically.Obtain advice by whatever method is quickest and most proportionate.Specify timescales for evidence/advice to be provided by.Confirm that information/evidence/advice has been requested on case management system.	
Milestone 3 - evidence / advice requested. All above actions completed before proceeding.		
	<ul style="list-style-type: none">If no further information/evidence/advice required, record this on case management system.	
Milestone 4 - ready for analysis. All above actions completed before proceeding.		
Step 3 - Undertaking the investigation - analysing the evidence.	<ul style="list-style-type: none">Record analysis of all the evidence. Must consider the following:<ul style="list-style-type: none">Did something go wrong (look at what did happen compared with what should have happened)?Was it serious enough to be maladministration or service failure?	

	<ul style="list-style-type: none"> ○ Did it lead to an unremedied injustice or hardship? ○ Is a remedy appropriate? ○ Is the outcome proposed consistent with other cases and any remedy proportionate to the injustice or hardship? ○ Remedy - ideally reference to Typology of Injustice. • Proportionate and focused analysis to respond and answer the most relevant issues of complaint. • Relevant information should be shared with all parties throughout the life of a case, particularly throughout the evidence gathering and analysis stages to keep everyone fully informed of our thought processes and to draw out views/opinions on the evidence. 	<p>discuss.</p> <ul style="list-style-type: none"> ➤ I will produce a clear and proportionate report of our investigation that explains what we looked at and how we arrived at our decision. ➤ I will always share our initial view on the complaint and give all parties the chance to comment simultaneously. ➤ I will use sharing the draft report as an opportunity to check and listen to the feedback from the organisation and complainant after the investigative work is done. ➤ I will take a planned and proactive approach to managing my workload to the required standards.
Step 4 - Communicating the draft decision.	<ul style="list-style-type: none"> • The draft report should be shared in full, in writing (this includes email) with all parties. We can make exceptions where: <ul style="list-style-type: none"> ○ we have written confirmation from the organisation that they don't want to see a draft report; ○ we decide it is more appropriate to share in person or over the phone, however, we should still follow up by sending out the report in writing afterwards. • Give all parties two weeks to respond with their comments on the draft report. • Drafts should be shared simultaneously unless there are exceptional reasons for sharing sequentially. The rationale for sharing sequentially must be documented. • Reassess the casework risk and document on case management system. 	
Milestone 5 - draft decision issued to relevant parties. All above actions completed before proceeding.		
	<ul style="list-style-type: none"> • To ensure that we get comments on the draft report promptly, make contact with the parties (ideally by telephone): <ul style="list-style-type: none"> ○ In advance to let them know that the draft report is about to be sent, to explain the period for comments and to check whether there is any reason the parties cannot provide comments within the time frame. ○ The Caseworker should offer to discuss the draft with the parties over the phone at an arranged time. ○ If the parties wish to discuss the draft over the phone, the Caseworker should contact at the agreed time, discuss the draft and any subsequent comments. • In cases where parties fail to respond: <ul style="list-style-type: none"> ○ Organisation - Two days before the deadline, telephone to establish receipt of the draft report and explain that if we have not received comments by the deadline we will issue the final report. If no comments are received by the date of the deadline, proceed without comments. ○ Complainant - Two days before the deadline, telephone to establish receipt of the draft report and explain that if we have not received comments by the deadline we will issue the final report. Wait at least until the day after responses are due. If still no response, proceed without comments. • We should only grant an extension if there are valid reasons including if the complainant has been away from home or unwell, or we are satisfied the organisation is making genuine efforts to respond fully. Reasons for an extension should be recorded on the case management system. 	

Step 5 - Communicating the final decision.	<ul style="list-style-type: none">Consider responses to draft (if received) and the impact of the comments, on the decision.If substantive changes need to be made to the draft report, we should re-share the draft report with all parties, giving them two weeks to respond.If no changes to draft decision, record in detail the reasons why.	
Milestone 6 - Receipt of comments on draft decision. All above actions completed before proceeding.		
	<ul style="list-style-type: none">Amend (if necessary), finalise and issue final report.Prepare final report and issue.Case closure, outcome and compliance items recorded.	
Milestone 7 - Final report issued. All above actions completed before proceeding.		

Outcomes produced

I. Report setting out our findings on the complaint; or

II. Where an investigation is discontinued, a statement of reasons setting out why the investigation has been discontinued.

Service Standards	QA
<ul style="list-style-type: none">TBC	<ul style="list-style-type: none">TBC

What Good Looks Like:

- Contact with the complainant and organisation has taken place at the start of the investigation and has been regular and meaningful throughout the investigation.
- The scope is proportionate to the complaint, covers matters within remit and has been shared and agreed by all parties.
- Risk has been clearly identified, explained and mitigated, managed or eliminated.
- The plan is proportionate to the complaint and clearly shows the evidence needed along with the key action milestones and target dates. Plan is clearly communicated to all parties.
- The investigation approach is clear and in line with the plan.
- The evidence gathered is clearly documented and has been fully considered.
- There is a clear and persuasive analysis looking at the available evidence objectively.
- The draft report clearly explains the complaint, how we investigated, the evidence obtained and how it was analysed, our findings and any recommendations and is shared in full with all parties.
- All responses to the draft report are analysed, that analysis being clearly documented.
- The work has been progressed in an efficient and timely manner and within Service Standards.
- An accurate audit trail of every action/decision was made
- The service standards have been met/exceeded
- Policy and process has been followed and can be evidenced on electronic file.