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# **Investigation – Wellbeing Guidance**

**National Guidance and support for all individuals  
involved in internal and external investigations.**

<b>Owning Department:</b>	Professional Standards Department
<b>Version Number:</b>	2.00
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### 1. Purpose

This Guidance document supports the [Wellbeing Hub](#) together with the following Police Service of Scotland (Police Scotland) and Scottish Police Authority (SPA) Policies, Standard Operating Procedures (SOPs) and Guidance:

- [Professional Standards Policy](#);
- [Complaints About the Police SOP](#);
- [Gifts, Gratuities, Hospitality and Sponsorship Guidance](#);
- [Notifiable Associations Guidance](#);
- [Police Service of Scotland \(Conduct\) Regulations 2014 Guidance](#);
- [Substance Misuse SOP](#);
- [Suspension from Duty SOP](#);
- [Data Protection SOP](#);
- [Grievance Procedure](#);
- [Disciplinary Procedure](#).

Being involved in a complaint which may ultimately lead to a grievance, complaint about the police, disciplinary proceedings or even an Employment Tribunal can be a difficult and emotional experience. This document provides practical advice and guidance for officers and staff, ensuring a consistent and fair system of support is available to any individual within Police Scotland or the Scottish Police Authority who is involved in an investigative process, be that having initiated a complaint, or witnessed one, whether in a supportive role or as the subject of an investigation relative to that complaint.

See Appendix A for additional guidance in respect of witnesses, complainers or those subject to complaint, Appendix B for additional guidance for those in a supportive role, and Appendix C for a list of all Staff Associations and Unions.

Providing the correct level of support demonstrates our commitment to treating everyone fairly, with integrity and respect.

It is entirely up to the individual should they wish to accept the wellbeing support being offered, and their explicit consent is required before there is any engagement with other stakeholders i.e. Staff Associations, Scottish Police Federation (SPF), Association of Scottish Police Superintendents ([Scottish Chief Police Officers` Staff Association \(SCPOSA\)](#)), and OPTIMA etc.

Any personal information processed as a result of individuals participating in this guidance must be processed with due consideration to the Data Protection Principles outlined in the Police Scotland [Data Protection SOP](#).

Effective support can reduce risks associated with the psychological and physiological impacts experienced by those involved in an investigation / Employment Tribunal process, whilst:

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- Reinforcing a positive perception of organisational fairness;
- Addressing causes of workplace disengagement;
- Ensuring a consistent level of service;
- Increasing trust in investigatory process and confidence to report;
- Demonstrating that the investigative process is not always a punitive function.

This can all be achieved through the provision of support, improved communication and recording, defined role responsibilities and clear consistent information. This guidance will not impact on the outcome of any investigation or the manner in which associated procedures are undertaken, with its sole purpose being to support the wellbeing and overall experience of each individual involved.

## **2. Introduction**

It has been established that there can be an increased risk to an individual's wellbeing when an investigation process commences.

Irrespective of the seriousness of an investigation and regardless of whether standards have been breached, being involved in an investigation can lead to increased stress and other psychological factors.

Carrying out the required investigative process can involve unavoidable lengthy timescales and this guidance aims to provide the required support to individuals involved.

Any stage of an investigation or alternatively a lengthy timeline could impact on an individual's psychological wellbeing. In some cases, this can lead to psychological and physiological harm. Accordingly, wellbeing should be at the forefront of all decisions made when dealing with our people.

The manner in which an investigative process is conducted can reflect an organisation's approach to fairness and general attitudes. Measures which will help reinforce the importance of positive perception and thereby mitigate this risk include:

- Managing people in a fair and consistent manner;
- Using clear, open and honest communication;
- Reinforcing that there is no presumption of guilt whilst investigations are ongoing;
- Ensuring timely updates are provided where available;
- Recognising that the organisation has a duty of care to both those raising concerns as well as those who have concerns raised against them.

The objective of this Guidance is to support those involved in the investigative process by:

- Tailoring wellbeing support to individual need;

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- Ensuring a consistent level of service;
- Supporting psychological wellbeing;
- Improving communication and transparency;
- Promoting inclusion through seeking feedback, supporting organisational learning;
- Continuing support on conclusion of an investigation as required;
- Reducing adverse experiences and workplace disengagement.

### 3. Applicable Investigations

To ensure a wellbeing approach that is aligned to individual need and is not predicated on the seriousness of an investigation, this Guidance can apply to **all investigative** processes relative to:

- Criminal Investigations (On / Off duty);
- Conduct Investigations;
- Complaints About the Police;
- Police Staff Discipline;
- Police Investigations and Review Commissioner (PIRC);
- Grievance;
- Employment Tribunal.

**The foregoing examples are not exclusive and there are numerous other instances where this guidance may also be applicable and of assistance, including civil actions and Fatal Accident Inquiries.**

The support can be afforded to all applicable individuals who can make an informed choice regarding what support they want, based on their individual circumstances and wellbeing needs. The individual must give their consent for their information to be shared or other stakeholders to become involved.

### 4. Recognising the Need for Wellbeing Support

It is important to acknowledge that every individual has unique needs and will react differently during an investigatory process. This will be dependent on various factors including, but not limited to: personal circumstances; professional position; role in the investigation; previous experience of the investigative process and life experience. This varied range of influencing factors makes it very difficult to identify how an investigation will affect an individual at any given point.

As outlined previously this is the primary reason why support **must not** be predicated on seriousness of the investigation but must be based on the needs of the individual.

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Line Managers / Liaison Officers should be aware of the trigger points listed below which can be linked to investigations or Employment Tribunals. Additional attention should be given at these times, however, this is not considered an exhaustive list and wellbeing needs should be continually monitored and evaluated:

- Providing Witness Statement / Crime Report;
- Interview / Arrest;
- Standard Police Report being submitted;
- Receipt of Citation;
- Serving of Copy Complaint / Indictment / notification of Hearing / Tribunal;
- Intermediate / Trial diets / Hearings / Tribunals;
- Outcome of Investigation / Hearing / Tribunal;
- Restriction Notice, Regulation Notice and / or Suspension Notice;
- Serving of Misconduct papers;
- Misconduct / Discipline Hearing / Employment Tribunals;
- Implementation of Misconduct;
- Return to full duties.

### 5. Provision of Wellbeing Support

The Divisional / Departmental Senior Responsible Manager will assume primacy for wellbeing considerations during an investigative process, and will have responsibility for implementing this Guidance, unless this is not appropriate due to the nature of the investigation / Employment Tribunal. In such circumstances an alternative Division / Department will be nominated. This must be delivered in partnership with stakeholders, which, dependent on the individual's needs and permission, may include some or all of the following:

- Line Manager / Liaison Officer;
- SPF / ASPs / SCPOSA / Trade Unions / Other Staff Associations (see Appendix C);
- Wellbeing department / Wellbeing Champion;
- Investigating department of agency (Professional Standards Department (PSD) / Anti-Corruption Unit (ACU) / PIRC / People and Development (P&D)).

In any investigation / Employment Tribunal the individual's Divisional Senior Responsible Manager will identify a suitable Line Manager / Liaison Officer, as soon as is practicable following notification by PSD / P&D, to initiate contact, provide a full awareness of this Guidance and identify any wellbeing needs.

To ensure there is continuity of care, the PSD Investigating Officer or the P&D representative will provide a comprehensive handover to the nominated Line Manager / Liaison Officer.

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As part of this initial contact, the Line Manager / Liaison Officer will discuss with the individual, if necessary, whether they wish to complete the [Individual Stress Assessment Risk Questionnaire](#) either on their own or with their support.

If additional support is deemed necessary, the individual should be directed to consider completing the [Your Wellbeing Assessment](#) for onward submission to Optima.

This can apply to all those involved (complainer, witnesses & subject), with the aim of identifying support required and preventing crisis point.

This will also establish a wellbeing baseline to protect the individual. Where the Line Manager / Liaison Officer believes there is a material change in the individual's wellbeing, they should discuss this with the individual, and obtain their permission to consult Optima further. Individuals can also be directed to the [Wellbeing Hub](#) and [Wellbeing Champions](#) who will signpost the individual and afford the opportunity of formalised wellbeing support.

Where the circumstances of an investigation dictate any individual involved in the investigation is no longer able to continue in their current role or location for any period of time, the Divisional / Departmental Senior Responsible Manager shall find them a suitable alternative if possible. The Divisional / Departmental Senior Responsible Manager must consult to identify and consider needs, skills and development potential. The health and wellbeing of the individual is of paramount importance. Any placement is to be meaningful, fair and is not perceived to be a punitive measure. The placement should be reviewed on a regular basis.

Managers can engage with [People Direct](#) or their People & Development representative should advice be required on redeploying staff into alternative roles. [People Direct can be contacted on \[REDACTED\]](#).

During the course of an investigation, the Line Manager / Liaison Officer shall ask the individual if they have any questions or concerns about the investigatory process. The aim being to establish whether the individual feels they have been treated fairly and reasonably. Where any concerns are raised the individual's views on how this could be resolved should be sought. This information will be recorded by the Line Manager / Liaison Officer on the [Investigation - Wellbeing Contact Record](#) (Force Form 037-060). The contact record will be assessed regularly by the Divisional / Departmental Senior Responsible Officer together with other stakeholders as appropriate. Where reasonable adjustments can be made, supportive action will be taken and recorded in conjunction with the individual, along with the rationale behind them and confirmation that the outcome has been disseminated accordingly.

It is acknowledged that in some cases operational or procedural barriers will dictate no action can be taken to resolve a concern. In these circumstances the fullest possible decision making rationale will be explained to the individual with the aim of demonstrating the transparency and fairness of the process. It should be made clear that any concern raised must relate specifically to how the individual has been treated during the investigatory process and not the perceived validity of the process.

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This Guidance has been developed to improve the investigatory process, while maximising opportunities for organisational learning, **it is not a complaints / grievance process**. Where an individual does wish to raise a complaint or grievance, this **must** be done through existing procedures. This shall be the subject of regular review.

### 6. Feedback Process

To promote inclusion and further organisational learning, all individuals involved in an investigation will be afforded the opportunity to participate in a “two part feedback evaluation” of wellbeing considerations and their general experience of fairness in responding to their welfare needs.

It is important to note this will not relate to the investigatory process itself, or their perception regarding the validity of any outcome.

[Investigation - Wellbeing Feedback Evaluation Part 1](#) (Force Form 037-061) will be completed by the individual to record:

- The individual’s experience of the wellbeing provisions in place during the investigatory process;
- What went well during the process or what could be improved upon;
- Did the individual understand the process;
- Was the process followed;
- What improvements could have been made which would further enhance support?

[Investigation - Wellbeing Feedback Evaluation Part 2](#) (Force Form 037-061A) will be completed by the Line Manager / Liaison Officer and where appropriate, the Wellbeing Champion, to record:

- Their perception of the investigatory process and the individual’s experience;
- Consistency of wellbeing provisions and service;
- Process or personal observations which would enhance future support;
- Emerging wellbeing trends;
- Concerns of disengagement through a negative experience.

### 7. Organisational Learning

To ensure that this Guidance achieves its maximum potential, it is imperative that all possible lessons are learned, implemented and published. Recommendations around Organisational Learning will be reviewed regularly throughout the year and will be circulated to individuals within Police Scotland and the SPA who have responsibility for collating and cascading same.

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Independent oversight of the process will be provided by the Wellbeing Team, who will manage the dedicated Wellbeing Investigation Feedback mailbox and collate the completed feedback evaluation forms received. This information will be anonymised and shared with PSD National Support, Partnerships and Preventions Unit (PSD NSPPU) who will objectively scrutinise the data to identify relevant trends, organisational learning and best practice. PSD NSPPU will compile an annual report which will be published on the [PSD Intranet homepage](#).

Transparency is paramount and in line with this, a summary report, excluding identifiable information will be published for service wide dissemination and 'Organisational Learning', demonstrating our commitment to the [Code of Ethics](#) and treating people fairly.

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**What can you expect if you are a witness, the complainer or the subject of an investigation?**

This guidance has been compiled to ensure your wellbeing is fully considered and you feel supported during an investigation, however the decision to engage with the guidance lies exclusively with you as an individual. You must be included in any decisions around your wellbeing and your prior permission must be sought before other stakeholders become involved.

Any personal information processed as a result of individuals participating in this guidance must be processed with due consideration to the Data Protection Principles outlined in the Police Scotland [Data Protection SOP](#). Mandatory Staff / Police training is available via the MOODLE package.

You may wish to discuss this further with your Line Manager / Liaison Officer.

It is important to acknowledge that every individual has unique needs and will react differently during an investigatory process. Your colleagues may appear okay but you might be struggling. How you manage will be dependent on various influencing factors which may fluctuate during your service. It's okay not to be okay.

**Important links**

[Wellbeing Hub](#)

[Individual Stress Assessment Risk Questionnaire](#)

[Your Wellbeing Assessment](#)

[Investigation - Wellbeing Feedback Evaluation Part 1](#) (Force Form 037-061)

Those who initiate a complaint, are subject of an investigation or are a witness have the:

- Right to be treated with Fairness, Integrity and Respect;
- Right to a nominated Line Manager / Liaison Officer who will act as your Single Point Of Contact (SPOC) for wellbeing considerations;
- Right to access the [Wellbeing Hub](#) where formalised support is available and other appropriate support / advice / assistance. (See Appendix C);
- Right to support throughout the investigation to ensure your continued integration within the workplace;
- Right to contribute to any wellbeing decision making process;
- Right to highlight when they have been treated unfairly and have any concerns considered and replied to;
- Right to be updated on any developments in the case;

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- Right to an Attendance Support Meeting to ensure a gradual structured return to duty.

**What is expected of you if you are supporting an individual during an investigation?**

It is important to remember the decision lies with the individual should they wish to engage with the guidance, and their explicit permission must be sought prior to the engagement of any other stakeholders.

Any personal information processed as a result of individuals participating in this guidance must be processed with due consideration to the Data Protection Principles outlined in the Police Scotland [Data Protection SOP](#). Mandatory Staff / Police training is available via the MOODLE package.

**Important links**

[Wellbeing Hub](#)  
[Individual Stress Assessment Risk Questionnaire](#)  
[Your Wellbeing Assessment](#)  
[Investigation - Wellbeing Feedback Evaluation Part 2](#) (Force Form 037-061A)

**Roles and Responsibilities**

The roles and responsibilities are intended to reduce adverse experiences during an investigatory process, reduce workplace disengagement and maximise fairness and the perception of such. The process will be flexible and individually focussed.

Divisional / Departmental Senior Responsible Manager and any other appropriate stakeholder who becomes involved in supporting an individual has the collective duty to:

- Treat the individual with Integrity, Fairness and Respect;
- Challenge when they perceive any individual has been treated unfairly;
- Signpost that individual to the [Wellbeing Hub](#) where formalised support is available and other appropriate support / advice / assistance. (See Appendix C);
- Record details of all contacts on the [Investigation - Wellbeing Contact Record](#) (Force Form 037-060).
- Highlight concerns regarding adverse experiences and disengagement of the individual.

In addition to collective responsibilities, stakeholders have specific responsibilities:

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### Divisional / Departmental Management Senior Responsible Manager

- Engage with PSD / ACU / P&D and discuss the contents of the handover document addressing any urgent concerns/issues immediately;
- Identify and appoint a suitable Line Manager / Liaison Officer, taking cognisance of:
  - Independence of the investigation;
  - Previous relationship with the individual;
  - Accessibility (shifts, location, role, leave pattern etc.);
  - Perceived fairness of the appointment by any interested party.
- Fully brief the nominated Line Manager / Liaison Officer;
- In the event that the nominated Line Manager / Liaison Officer moves position, takes leave or is otherwise absent, a suitable deputy must be identified and fully briefed;
- Where the circumstances result in the individual not being able to continue in their current role, identify a fair and suitable placement where possible, considering the needs, skills and development potential of the individual where restrictions require a variation of duty or role;
- In the event an individual being absent from duty for a lengthy period of time through ill health or suspension, consideration must be given to a structured return to work process and where relevant an Attendance Support Meeting (ASM). A quick unstructured return to duty with little or no support can in itself cause difficulties for the individual, Police Scotland and the SPA.

### Line Management / Liaison officer

- Have an initial wellbeing discussion with the individual, to establish their needs, direct them to the [Wellbeing Hub](#) and obtain their permission for further support;
- Decide in conjunction with the individual whether they should complete an [Individual Stress Assessment Risk Questionnaire](#);
- If additional support is identified the individual should be encouraged to consider completing the [Your Wellbeing Assessment](#) for onward transmission to OPTIMA;
- Liaise with the Wellbeing Champions Co-Ordinator to identify and appoint a suitably trained Wellbeing Champion where required;
- Support the individual and ensure their continued integration within the workplace;
- Provide regular updates to the individual;

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- Report to and where required, raise concerns to the Senior Responsible Manager.

### **PSD / ACU / Divisional Complaints (Investigators) / P&D**

- Provide a comprehensive handover to the Senior Responsible Manager or the nominated Line Manager / Liaison Officer who will initiate wellbeing support;
- Investigate in accordance with Police Regulations, Policies and Procedures;
- Maintain transparency and keep the individual and any other concerned parties updated.

**SPF / ASPS / SCPOSA / Trade Unions & Diversity Staff Associations**

- The SPF, ASPS, SCPOSA and Trade Unions / Diversity Staff Associations are not part of the process in this Guidance. Nothing within this guidance aims to replace the support and services of Staff Associations / Trade Unions. Indeed there are some similarities between the role of the Liaison Officer and that offered by Staff Association / Trade Union colleagues and the natural and frequent liaison between these roles often results in them complimenting each other;
- The SPF, ASPS, SCPOSA and Trade Unions / Diversity Staff Associations maintain an important role in supporting and ensuring the wellbeing of their members. Officers / staff impacted are encouraged to engage with their trade union / staff association representative to ensure relevant support is provided throughout their involvement in any of the processes highlighted within this guidance;
- Wellbeing Champions can also complement but do not replace these invaluable functions.

**Important links**

[Wellbeing Hub](#)  
[Individual Stress Assessment Risk Questionnaire](#)  
[Your Wellbeing Assessment](#)

Christian Police Association Scotland (CPA Scotland)	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]
Disability and Carers Association (DACA)	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]
Scottish Muslim Police Association (SMPA)	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]
Scottish Women's Development Forum (SWDF)	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]

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	(Co-ordinator)		
SEMPER Scotland	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]
Gypsy Roma Traveller Police Association	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]
Scottish LGBTI Police Association	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]

UNISON	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]
UNITE	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]

SPF	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]

Association of Scottish Police Superintendents (ASPS)			[REDACTED]
			[REDACTED]

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### Compliance Record

<b>Equality and Human Rights Impact Assessment (EqHRIA) Date Completed / Reviewed:</b>	20/12/2021
<b>Information Management Compliant:</b>	Yes
<b>Health and Safety Compliant:</b>	Yes
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1.00	Initial Approved Version	28/10/2021
2.00	Updated to include reference to SCPOSA in main text and also to ensure clarity and uniformity of terminology used throughout document	22/12/2021