

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.

Tandem Consulting in Practice

-Overcoming Organizational Conflicts-

Examples of cases where we have helped organisations through independent investigation are listed below:

Promotion By-Pass: An employee felt 'hard done by' when he failed to get a promotion that he considered suitable. Normally a great worker, his performance deteriorated and he complained that the selection process was biased. Colleagues began to take sides for and against him. Eventually, he made a formal complaint to HR. An independent investigation showed that he did have some legitimate grounds for complaint in terms of how the promotional process had been handled. An agreement was reached on foot of the investigation report's recommendations and a bad and worsening situation was quickly remedied. This investigation highlighted some weaknesses in the promotional procedures which were subsequently improved.

Undermined Executive: A CEO was becoming disillusioned about the capacity of a recent hire to deliver in a senior management role. The senior executive, in turn, was becoming angry at what he perceived as an undermining of his role through criticisms at management team meetings and through 'the rumour mill'. The CEO and senior manager agreed to bring in a third party to assess the situation. We looked at the delivery of the senior managers' targets and assessed his overall capability to fulfil the role in the future. The report and recommendations allowed the CEO and his direct report to openly discuss issues of performance and to move the relationship back onto a much more positive footing (in reality, the outcome is not always as positive as this case and there are times when some individuals have to move on from an organization).



Work Allocation: A management and trade union were in dispute over which category of employee – craft or general operative – should take on a body of work in a newly established unit. The significant gap between the parties looked like the case would go all the way through the state industrial relations machinery. This would have taken months (a procedural clause in the existing agreement meant that the 'status quo' would prevail during this time). The management and union agreed to bring in an external investigator to review the facts and to make a binding recommendation. The investigation was completed within a week and, as they had agreed in advance, both management and union accepted the outcome.

For a confidential discussion about your future plans
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