

FARRER & Co

2022

Workplace Investigations

Managing, or participating in, a complex workplace investigation can be a challenging experience and, with ESG risks having a significant impact on corporate performance, it is crucial to act swiftly and confidently.

With our long history of providing expert advice to organisations and individuals in sensitive critical situations, Farrer & Co is able to provide strategic practical support to any organisation or individual involved in an investigation at any stage in the process.

How we help

We offer pragmatic and tailored advice, adding value beyond pure legal expertise. Combining our experience advising businesses, organisations and senior executives, we can offer a range of different services relating to workplace investigations – whether these are run face-to-face or virtual. Our services include the following.

- 1. Conducting independent investigations**

We are able to carry out an external investigation on behalf of your organisation, using a team of experts to undertake an investigation from the beginning through to delivery of a report with credibility and independence in the fastest time possible.
- 2. Investigation advice**

We can provide legal advice during an investigation, advising businesses, boards, directors, partners or trustees who are either carrying out an investigation internally or who have instructed an investigator and who need separate legal advice whilst an investigation is underway. This includes establishing the investigation and dealing with any complex issues which arise through to advising on the steps to take following an investigation.
- 3. Advice to senior executives who are the subject of investigation**

Being investigated by your employer is inevitably a stressful experience. We provide legal advice and support during an investigation to subjects of the investigation, including on interacting with the investigators in the early stages, communicating with the investigation team and employer, witness statements, preparation for interviews, review of documents, and representation.
- 4. Complainant advice**

Our experienced and approachable lawyers can provide sensible, pragmatic and sensitive advice to individuals whose concerns have triggered an investigation or those who want to disclose concerns which might lead to an investigation.

Who we help

Farrer & Co's investigation specialists are uniquely placed to assist, having extensive experience advising organisations and individuals on all four aspects of investigations in a variety of contexts and sectors. These sectors include:

Professional Services

Financial Services

Cultural and Sports

Charities

Education

Retail

Through our market-leading [Safeguarding Unit](#) we have spent years at the forefront of best practice **handling critical, complex and highly sensitive matters**, including **allegations of racial abuse or sexual misconduct**, which almost always involve **interaction with the police or statutory authorities** and **a clear support plan** around victims and vulnerable individuals. We are well used to handling investigations, whether into **recent or non-recent allegations**, which run alongside police operations, criminal cases, civil litigation and investigations being carried out by regulators as well as public and statutory inquiries.

Our pre-eminent [Senior Executive](#) practice has extensive experience managing the added complexities of investigations involving senior directors, including communication and liaison with shareholders, company boards and regulatory agencies. We are leading advisers to **businesses and senior executives** on cases involving allegations of **sexual harassment** as well as **bullying and discrimination**.

We work closely with our [Data Protection team](#) to help individuals understand their data rights and ensure organisations comply with data rules while not compromising the investigation. As investigations almost inevitably involve the creation, disclosure and processing of highly sensitive and confidential material, data management in this context is a crucial and often complex area. Our team has a wealth of experience drafting data sharing protocols, overseeing disclosure exercises and managing data subject access requests (DSARs), ensuring compliance with the law while maintaining the integrity of any internal investigation, litigation or external investigatory processes.

Recent examples



Advising a major football club commission and advising throughout on multiple separate investigations.



Advising the board of a major company in the tech industry, conducting an investigation into allegations against a senior individual.



Advised a senior individual in a major luxury brand who was the subject of an independent investigation.



Establishing a barrister led investigation into allegations of serious misconduct by the Headmaster at a leading independent boarding school, with parallel criminal investigations.



Conducting an independent investigation into allegations of sexual harassment and detriment suffered as a result of raising concerns of unsafe working practices at a major international company.



Advising an individual on her grievance about sex discrimination at an international professional services firm, including her data subject access request (DSAR) strategy and engagement with the independent investigator.



Investigating allegations of race discrimination and harassment at a major international professional services firm.



Advised an independent non-executive director of a listed multinational on an investigation into a grievance of bullying and harassment raised against a senior member of the executive team.



Supporting a number of schools to investigate and manage their responses to allegations of sexual misconduct disclosed (many anonymously) on the "Everyone's Invited" public website, liaising with the Police, Local Children's Services and other regulators including the Charity Commission and DBS, as required and managing media interest.

“

It is a formidable team for employment matters,” says a source, who praises the lawyers for being able to “combine first-class legal skills with a personable and empathetic approach.”

- Employment Law, Chambers UK 2022

Why Farrer & Co?

Approach

We are independent lawyers with integrity who will take a robust, while pragmatic approach, understanding the bigger picture. We pride ourselves in being lawyers with emotional intelligence in fraught situations as well as having a close eye to the commercial issues and pressures in the case. We understand the different roles in an investigation and can identify the key issues and concerns of all involved to help ensure a smooth process.

Expertise

We have a specialist team of lawyers, including one in-house barrister, who are expert in dealing with employment/workplace investigations. Our team has developed a reputation for our expertise in acting in harassment and discrimination investigations, particularly in the post #MeToo era, combining legal skills in employment, litigation, data protection along with sector specific expertise. Members of our team are also “Achieving Best Evidence” trained investigators.

Scale

With one of the largest employment teams in London, and a pool of other specialists across the firm, we can quickly provide the right team for the work. We are experienced in advising across the full spectrum of cases, from smaller scale and self-contained organisation-led investigations to multi-faceted high-profile investigations involving external investigators and other third parties.

Organisation

Our lawyers are trained in project management. During large investigations, our work is carefully planned and managed to ensure that work is carried out efficiently, quickly and at the appropriate skill level, whilst clients are kept regularly updated, often weekly, on progress and cost. We are also skilled in liaising with stakeholders during the investigation, which is increasingly important given the increasing recognition that ESG risks can impact long-term financial performance and the subsequent push for increased transparency by stakeholders.

Client focused

All of our clients have a dedicated client partner but can expect to be able to contact all members of the team working for them. Our range of services include a dedicated secure extranet space for transmission of confidential documents, and access to leading reputational management advice.

Who should I contact?



Kathleen Heycock
Partner, Employment
+44 (0)20 3375 7113
kathleen.heycock@farrer.co.uk



Maria Strauss
Partner, Employment
+44 (0)20 3375 7259
maria.strauss@farrer.co.uk

“

The team at Farrer & Co
always deliver an excellent
service.”

- Employment Law, Legal 500 2022

Farrer & Co LLP
66 Lincoln's Inn Fields
London WC2A 3LH

+44 (0)20 3375 7000

kathleen.heycock@farrer.co.uk

www.farrer.co.uk

F&
Co