

# Bhayani Law Offers Specialist HR Employment Law and Recruitment Advice for Charitable Organisations

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Sheffield, United Kingdom – Bhayani Law offers specialist HR employment law and recruitment advice for charitable organisations. In addition to this, the law firm delivers training sessions on how to handle investigations ethically. Fair and unbiased investigations can help limit the likelihood of Tribunal claims. Objective investigations are essential for disciplinary procedures to be fair. They should be used to gather all relevant factors by an investigation officer beforehand. The investigation officers are meant to analyze the facts of each case including any evidence that contradicts or even supports the allegations. The officers aren't there to make decisions on the outcome but to find all the relevant facts. The investigation is one of the most powerful tools in any HR situation.

Recently, a case in the Employment Tribunal emphasized the importance of unbiased and objective investigations. The case of *The Governing Body of Tywyn Primary School v Mr M Aplin* UKEAT/0298/17/LA and EAT decided that the claimant had been dismissed unfairly due to sexual orientation discrimination. This discriminatory dismissal was unfair and caused by the lack of an objective investigation. The Employment Tribunal criticised the report that the investigation presented and highlighted the following elements:

The investigation officer was biased and he approached the investigation on the basis that the claimant was a potential danger to children

The report was "laden with value judgments and conclusions which were hostile to Mr. Aplin."

The investigation officer didn't provide material that could be relied upon to the claimant 48 hours in advance of the disciplinary hearing.

In another case (*Chhabra v West London Mental Health NHS Trust* [2013] UKSC 80) with similar circumstances, the Supreme Court criticised the investigation as well. The investigation officer in this case did not follow the rules of unbiased, objective investigations. The officer had made extensive changes to the report based on suggestions made by a person who was not directly involved in the case and wasn't a member of the HR department. The officer's amended report led to stiffened recommendations with regard to the potential action to be taken against Mr. Chhabra.

Both these cases are prime examples of the importance of objective and unbiased investigations for disciplinary procedures to be fair. Investigators are supposed to inform those being disciplined within a minimum of 48 hours before the disciplinary hearing is scheduled. The investigation report should be factual and free from unfounded judgments based on personal biases.

Employers need to know more about the correct way to conduct an investigation to ensure that

fair procedures are undertaken in the workplace. Bhayani Law specializes in training and supporting HR teams by providing advice and guidance to equip them to conduct better investigations. Bhayani Law has a team of highly experienced lawyers who understand the important principles of fact finding and investigations, their team has worked with HR departments across the country equipping them with the tools they need to manage disciplinary situations. To avoid having future legal troubles due to unfair dismissals or lawsuits, it's essential that HR teams approach disciplinary procedures with integrity, objectivity, and fairness. If you'd like to get advice or support from Bhayani Law, please contact them at [hello@bhayanilaw.co.uk](mailto:hello@bhayanilaw.co.uk) or visit their website here.

#### Resources

Biased disciplinary investigations

Unbiased investigation

Workplace investigations employee rights UK

Why is it important to be unbiased

Why is being unbiased important

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#### About Bhayani Law

We established our independent employment law firm in 2014 as a way to provide expert professional advice to help employees, businesses and charities navigate the minefield of employment law and HR.

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