

Getting investigations right in faith-based organisations

Internal investigations by faith-based organisations often require a careful balancing act between pastoral care, legal accountability and managing reputational sensitivities.

While each case will differ, many of the same risks are likely to arise. This note is intended to provide an at a glance overview of key themes and practical steps to help organisations manage investigations effectively.

Why getting it right first-time matters

When investigations are mishandled, the consequences can be significant. A flawed process could mean a serious loss of credibility and faith in the outcome, sometimes requiring the organisation to start again at considerable cost and with increased scrutiny.

Even where the outcome seems justified, courts and tribunals will consider whether the process itself was fair. If it was not carried out in accordance with agreed procedures or the principles of natural justice, decisions may be quashed. Taking time at the outset to plan properly is vital. Most challenges that arise during investigations can be traced back to decisions made, or perhaps not made, at the outset.

Common pitfalls in faith-based settings

Faith-based organisations face particular challenges. There can be a strong instinct to address concerns informally through pastoral conversation or mediation, which is appropriate in some cases but may also delay the implementation of appropriate formal processes in more serious situations. Close-knit communities also increase the likelihood of conflicts of interest or loyalty arising, which can undermine the credibility. At the same time, informal cultures may result in limited documentation being created and retained, making it difficult to evidence decisions later on.

These issues are frequently linked to a broader problem: the blurring of pastoral and investigative roles. Where these functions are not clearly separated, both the integrity and perceived fairness of the process can be compromised.



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Balancing pastoral care and legal obligations

It is important to recognise that pastoral care and legal accountability are not competing objectives, but they must be managed distinctly. Individuals should be supported appropriately throughout the process, but this should not dilute or delay a proper investigation. In practice, this often requires parallel processes: one focused on support and safeguarding, and the other on fact-finding and accountability.

Safeguarding obligations must always take priority. Where concerns involve children or vulnerable adults, organisations must act promptly and, where appropriate, report matters to statutory authorities. A well-run, fair and transparent investigation is often the most effective way of supporting everyone involved.

Starting well and planning effectively

At the outset of any investigation, organisations should consider the nature of the issues, whether immediate protective action is required, and whether there are reporting obligations. It is also important to understand who may be affected and what internal rules or policies apply.



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A useful early step is stakeholder mapping. Identifying who is affected, and how, helps shape the direction of travel and communication strategies, and ensures that legal and practical considerations are considered appropriately at an early stage. Poor communication can quickly lead to speculation and reputational harm, particularly in close-knit communities, so it is important to have clear messaging and defined points of contact.

Structuring the investigation

Clarity of purpose and the intended outcomes are essential. Organisations should decide whether the investigation is purely fact-finding or intended to lead to recommendations or disciplinary action. The choice of investigator is also key. In more serious or sensitive cases, the need for a suitably skilled investigator, and the credibility independence can bring, may require the appointment of an external investigator.

Carefully drafted terms of reference provide a framework for the entire process. They define the scope, process and outputs, helping to avoid scope creep and ensuring that the investigation remains focused and proportionate. Investing time at this stage typically saves time and cost later on.

Managing conflicts and ensuring fairness

Conflicts of interest and loyalty are common in faith-based environments and must be addressed early. Trustees and decision-makers are under legal duties to identify, declare and manage such conflicts. Where independence might reasonably be questioned, individuals should step back from involvement, and external support should be considered.

Closely linked to this is the principle of natural justice. Investigations must be conducted fairly, without bias, and with an opportunity for affected individuals to understand and respond to allegations where appropriate. Failure to adhere to these principles can undermine the entire process.

Data protection and record keeping

Investigations inevitably involve handling personal data, often sensitive personal data, and organisations must ensure compliance with data protection obligations. This includes providing appropriate privacy information, identifying a lawful basis for processing, and considering the impact of data use, particularly in sensitive cases.

Organisations should also be mindful of data subject access requests, which may require disclosure of internal communications.

Good record keeping is equally critical. Accurate, contemporaneous records support decision-making and provide essential evidence if there is a later challenge. Where legal proceedings are anticipated, organisations must preserve relevant documents and suspend routine deletion processes.

Communicating outcomes

Thought should be given early on to how the findings will be communicated, including who will receive the report and whether any information will be shared more widely. In sensitive cases, it may be appropriate to limit circulation or provide redacted versions. These decisions should align with the organisation's broader communication strategy and data protection obligations.

Final reflections

A consistent theme across all investigations is that early planning is crucial. Faith-based organisations must navigate complex and sensitive issues, but with the right structure and approach, investigations can be conducted in a way that is fair, transparent and legally robust.

Ultimately, a well-managed investigation not only reduces legal and reputational risk but also reinforces trust, protects individuals and upholds the integrity of the organisation.

How we can help

We can help guide you through any investigation no matter how big or small or at what stage, advising on everything from defining the scope and parameters, to record keeping and reporting requirements, helping with regulators and other stakeholders, dealing with related claims and complaints, and helping you through related legal issues such as tricky data protection and confidentiality questions. We are very experienced in advising on, and managing, related reputational issues.

If you need to appoint an independent person to conduct an investigation, we can help with that too.

Get in touch

We are always happy to discuss matters on a confidential, no obligation basis.



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