

Core Competencies for Investigators

We use the word “tribunal” to mean an organization, department, board, agency, or commission that includes decision makers.

Investigators need the following skills and values to do their work well.

1. Knowledge and Values

Investigators should:

- 1.1 understand the legal framework, jurisdiction, procedure, and subject matter of the investigation.
- 1.2 provide a high standard of service by being ethical, accountable, and professionally responsible.
- 1.3 be aware of and respect diversity in all forms. Some examples include creed, gender, race, religious customs, place of origin, ancestry, age, disability, mental capacity, sexual orientation, gender identity or expression, social or economic status, marital status, family status, or family affiliation.
- 1.4 use a process that is transparent and shows accountability and integrity.
- 1.5 adapt processes so they are equitable and inclusive to all people.

2. Communication

Investigators should:

- 2.1 communicate effectively using plain language (“language readily understood by all”), and working with interpreters, including American Sign Language (ASL) and braille, as needed.
- 2.2 always use language that is free from bias.
- 2.3 use computers, software, and online tools effectively to share documents and other information, keep clear records, and communicate promptly.
- 2.4 prepare and communicate a clear and logical investigation plan and procedure.

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- 2.5 help all relevant individuals and representatives participate to ensure a fair investigation.
 - 2.6 communicate with and manage the expectations of all participants in the investigation.

3. Conduct of Investigations

Investigators should:

- 3.1 conduct the investigation without influence or interference from outside parties.
- 3.2 be impartial and independent and act with integrity.
- 3.3 be aware of unconscious bias and willing to challenge all biases.
- 3.4 be able to identify systemic biases and barriers.
- 3.5 understand the four principles of the duty to be fair and apply them when conducting investigations.
- 3.6 ensure and adhere to the clear terms of reference for an investigation.
- 3.7 help all parties participate fully in the investigation to ensure fair treatment during the process and in the investigator's report.
- 3.8 manage the investigation in a way that allows everyone present to participate properly.
- 3.9 deal effectively and efficiently with investigation management issues.
- 3.10 manage the investigation to lead to a fair and timely conclusion.
- 3.11 manage and protect the confidentiality and personal information (and if it becomes known to them, the identity) of all participants.

4. Legislation

Investigators should:

- 4.1 understand, use, and apply governing legislation and other applicable legislation, contracts, or policies.
- 4.2 interpret legislation and form conclusions using the modern method of interpretation, which uses the ordinary meaning of words and considers the wider context and purpose of the legislation.

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- 4.3 logically explain, in reports and other communication associated with the investigation, how specific legislation has been interpreted and why.

5. Evidence

Investigators should:

- 5.1 be well prepared for all investigations.
- 5.2 identify and gather the relevant evidence.
- 5.3 identify and understand the relevant facts and expert evidence.
- 5.4
 - a. identify and collect and preserve any other evidence needed to support the investigation, including physical evidence.
 - b. ask appropriate questions when interviewing subjects.
 - c. gather and document evidence in a fair and consistent way to preserve its integrity.
- 5.5 investigate all relevant issues.
- 5.6 ask for more evidence as required.
- 5.7 understand how decision makers use the relevance and reliability tests to admit evidence, weigh the evidence appropriately, and determine what is “information,” evidence, and fact.
- 5.8 explain how the evidence has been weighed and the facts found to make the decision.

6. Conclusion-Making and Report Writing

Investigators should:

- 6.1 show good judgment in deliberating and reaching conclusions.
- 6.2 follow the terms of reference document to determine what conclusions are needed.
- 6.3 use a structured conclusion-making process to:
 - identify issues,
 - extract legal tests from legislation,
 - sort evidence by test,
 - weigh evidence to find facts on each test,

- decide based on facts found on each test, and
- reach a conclusion.

6.4 explain the conclusions or make submissions using plain language.

6.5 deliver the conclusion on time.

6.6 make recommendations as set out by the terms of reference document.

Sources

Several sources were particularly useful in writing these core competencies: the Judicial Studies Board's *Tribunal Competencies: Qualities and Abilities in Action*, the National Association for Court Management's Core Competencies (<https://nacmnet.org/who-we-are/initiatives/core-competencies/>), the Council of the Inspectors General on Integrity and Efficiency's Common Competencies of Office of Inspectors General Criminal Investigators, and the Foundation of Administrative Justice's course manuals.