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“very impressed with how well you handled the case... clear, focused and patient... a masterclass”

“Calm approach... finding solutions for tricky problems... exceptional... second to none... A really true professional”

“...outstanding... beyond reproach... best possible outcome... fully recommend... cannot thank him enough”

“Unmatched professionalism and integrity... relentless dedication to his clients...”

Client Feedback

Robin Somerville

Workplace Investigator and Disciplinary & Grievance Chair

Overview

Robin is a busy and experienced workplace investigator and disciplinary/grievance chair.

Robin's investigation and disciplinary or grievance chair practise typically relates to conducting complex, challenging and sensitive disciplinary and grievance investigations or hearings normally in respect of CEOs, senior executives and board members. Robin chairs first stage or appeals hearings.

Investigations and hearings represent a substantial part of Robin's practise alongside being a practising barrister, mediator and part time judge.

Whilst acting as an investigator or chair, clients have the additional comfort that whilst Robin wouldn't be offering legal advice, they would have the benefit of engaging someone who has had formal legal as well as investigations training, rather than the traditional 'HR' background investigator who make up the bulk of the investigator and chair service offerings.

Expertise

Previous investigations and hearings have included allegations of:

- sexual assault and harassment;
- sexual relationships with interns and providing them with class A drugs;
- discrimination: racism, sexism and misogyny, gender, physical and mental health disability including by association;
- dishonesty and falsifying accounting records to disguise unauthorised cash withdrawals;
- health and safety breaches;
- possessing obscene imagery of sexual violence;
- exposing an organisation to multimillion pound litigation risk;
- risking the loss of 25% of business unit income;
- witchcraft, putting curses on colleagues;
- whistle blowing;
- refusal to comply with reasonable requests;
- running a business from employer's premises;
- addictions;
- inappropriate social media posts;
- bullying and harassment (including upwards)..

Case Studies

Case 1

Investigation for a high profile campaigning organisation. The investigation was instigated by the Board against the CEO following a number of allegations that had been received from a number of sources. The CEO faced 68 allegations.

The allegations were that as leader of the organisation, the CEO promoted or allowed a culture of parties and heavy alcohol consumption, possessed and appeared to have consumed illegal drugs and supplied illegal drugs to staff and interns; that the CEO acted in a dominant manner, lost his temper and acted angrily and aggressively reacting disproportionately to minor issues, created or permitted a culture of fear, was harsh with colleagues, made them feel shameful, acted in a punitive and condemning manner, inappropriately used public criticism and humiliation, made it apparent that he took an

active dislike to two individuals and that his management led to serious adverse impacts on some individuals; that the CEO tried to block and/or delay the reporting of a serious incident, in that he had supplied drugs to an employee of the Board and inappropriately sought to influence one or more Senior Leadership Team (SLT) members in their handling of the incident.

A total of 29 interviews were undertaken. The Investigation Report stretched to 211 pages and the evidence bundle to 671 pages.

Case 2

Independent grievance investigation for a very high profile global Non-Governmental Organisation. The grievance was brought by a member of staff against the equivalent (in the NGO) of a CEO within this division.

The grievance comprised of 32 separate allegations spanning a period from 2012 to 2019. The grievance covered allegations that the subject pursued the member of staff for a sexual relationship and sexually assaulted and harassed her from 2012 to 2019, attended her home uninvited, offered her money, bought her gifts, made inappropriate comments about her clothing and hairstyle, discriminated against her religion, inappropriately refused her work opportunities, wrongly refused flexible working and compensatory time off, and made inappropriate and offensive comments.

The investigator was asked to examine, evaluate and determine the veracity of the allegations and also whether the facts as ascertained constitute misconduct as defined in the organisation's staff rules and staff regulations.

23 allegations were found factually proved and amounted to misconduct, 4 found not to amount to misconduct and 5 not proved. There were 2 key witnesses and 14 additional witnesses.

The Investigation Report stretched to 200 pages and the evidence bundle to just over 1,000 pages.

Other relevant case studies

- Allegations against the MD of a Global Investment Bank for sexual harassment.
- Allegations against a CEO and a Director that they conspired to unfairly remove another Director.
- Three way grievance/cross grievances by a senior manager against the chair of the regional board of a high profile, national sporting body. The allegations were of bullying/aggressive/intimidating behaviours.

- Allegations of misconduct and lack of competence against the manager of a care home.
- 14 element bullying and harassment grievance by a Sales Director against the MD of a commercial subsidiary of a London local authority.
- Bullying and harassment grievances by three members of staff against the MD of a commercial subsidiary of a large national trade union, followed by a 'cover-up' and dishonesty allegations against the MD arising out of the investigation.

Unlike most other investigators and chairs Robin normally offers clients fixed fee investigations and hearings wherever possible subject to agreeing a Terms of Reference and identifying the allegations and the number and nature of witnesses to be interviewed.

Some of the things that set Robin apart are:

- qualified, practising barrister amongst other things;
- specialist in complex and sensitive investigations;
- substantial experience of asking questions of complainants/witnesses having previously sat on or chaired a range of forms of tribunals;
- over 20 years' real life work/business experience before qualifying as a lawyer, making it easy to build rapport with all people. Robin has worked in environments from a coleslaw factory and driving forklift trucks through to appearing as a barrister in a wig and gown at the High Court or Companies Courts in London;
- involved in two successful disputes of his own, including one that reached the Supreme Court and one that settled at mediation. Robin is therefore uniquely placed to be particularly effective in understanding the commercial, relationship, risk and strategic issues involved with disputes.
- Robin audio and/or video records all of his interviews and provides verbatim transcripts;
- Robin's draft investigation report is quality assured, usually by a Crown Court Judge, which means clients are even less likely to encounter issues with the investigation report if it is ever the core of an employment tribunal case.
- Subject to availability, Robin can often start immediately.

Robin has been interviewed about his investigation work by the leading, high profile, employment lawyer Daniel Barnett: <https://vimeo.com/914746730/dd204cfc38>

Commercial Experience

- 2018-present - Innovate UK - Department for Business, Energy & Industrial Strategy. Assessment of applications for research and innovation grants for UK Research and Innovation.
- 2017-18 - Non-exec Board Member for Governance and Conflicts of Interest and Chair of Audit Committee - Barnet Clinical Commissioning Group. Strategic and audit advice to an NHS body for London's largest borough commissioning over £400 million of primary and secondary healthcare provision and support services for a population of 369,000 residents.
- 1999-13 - Owner and Managing Director - set up, grew and successfully sold three technology start-up businesses. An online comparison business generating over £50m of sales enquiries and orders for network of over 50 distributors including negotiating an equity stake by an £800m t/o trade body, a national distributor of innovative sustainable building materials and an internet development business.
- 2003-09 - Director - strategic development of family business. Responsible for profitability improvement from £50k to £250k per annum within 18 months, and management of 22 staff. Five commercial property transactions in excess of £10m with legal complications.
- 1999-2013 - Non-Exec Director - Reallymoving.com. Equity holding board member of UK's leading online comparison site for removals, conveyancing and home surveys. Advising on strategy, performance and systems.
- 1992-95 - Assistant Dealer, Money Market Desk - Sumitomo Bank Ltd. Short date US Dollar deposits, quoting prices, trading cash and derivatives. Personally responsible for managing \$2 billion daily. Appraising and valuing opportunities, analysis of complex data to inform decision making.

Professional Skills

- Advanced Mediation Advocacy – Standing Conference on Mediation Advocacy
- Visiting Lecturer – Bar Course – Inns of Court College of Advocacy
- Accredited Workplace Mediator – CEDR
- Accredited Civil and Commercial Mediator - CEDR & ADR Group
- Course Tutor - LLM Legal Tech - Queen Mary, University of London
- Ombudsman - Financial Ombudsman Service
- Masters in Law (LLM) - International and Comparative Dispute Resolution - Queen Mary, University of London
- Accredited Investigator - Employment and workplace investigations - TCM Group.
- Bar Professional Training Course

Feedback

- *"very high quality... worlds apart from a previous investigation... you will be the first person I come to. Very many thanks."*
- *"very impressed with how well you handled the case... clear, focused and patient... a masterclass"*
- *"...we couldn't recommend Robin highly enough"*
- *"highly recommended... truly appreciated his professionalism"*
- *"...outstanding... beyond reproach... best possible outcome... fully recommend... cannot thank him enough"*
- *"Unmatched professionalism and integrity... relentless dedication to his clients... fought tirelessly on my behalf"*
- *"We won! Thank you for your advice, found it invaluable."*
- *"Exceptional professionalism, legal expertise, and personal approach"*
- *"professionalism seeps through... knowledgeable, attentive and approachable... genuine pleasure to work with"*
- *"I feel I have come out best possible outcome... I could not have done it without you..."*
- *"saved me a considerable amount of money—something I will always appreciate."*
- *"first class results"*
- *"10/10"*
- *"worked tirelessly... assistance was invaluable"*
- *"Goes way above and beyond the norm"*
- *"amazing and above all kind and understanding"*
- *"up to speed amazingly quickly"*
- *"without doubt, the best money I have ever spent... a conclusion was reached much quicker than I would have thought"*
- *"significant upside multiple on his fees"*
- *"very satisfactory outcome... enabled me to reach a deal and put an end to the stress of the last 10 months"*
- *"professional and courteous... we couldn't recommend Robin highly enough"*