

Dealing with employee theft

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According to a poll commissioned by office-furniture supplier Kit Out My Office, more than two-thirds of UK office workers have admitted to stealing from their employers and colleagues at some time during their careers. With the cost of stolen items averaging at £12.50 and an estimated 15 million workers having confessed to employee theft, the cost to UK employers adds up to £190 million each year. For employers, dealing with employee theft can be a difficult process. If you suspect that one of your workers is stealing from your business, what should you do?

Suspicion vs facts

Theft of any sort is a serious accusation to make. If, as an employer, you suspect an employee of theft then obtaining evidence is a crucial part of the procedure. Evidence may prove your suspicions to be wrong or they may prove them to be right. However, making an accusation of employee theft without substantial proof can leave you open to litigation. Suspicion is one thing. Solid facts are another.

Conducting an investigation

Many employers are unaware that they have a legal right to launch an investigation should they suspect an employee of stealing. The investigation must be seen to be fair and based on evidence alone. It is crucial that any investigation is also reasonable. Should the case reach an [Employment Tribunal](#) or result in the employee's dismissal, the presiding judge will need to see a demonstration of fairness and impartiality.

The first step is to appoint an investigator. This can be someone within the office or, if it is appropriate, an external party. It is likely that your company has specific policies on how to tackle issues of this sort. However, if

not, the chosen investigator should be briefed on certain aspects of the inquiry, including:

- a timeframe in which to conduct the research;
- guidelines on their responsibility as an investigator;
- how their evidence will be presented;
- minimising the investigation's impact on employees' morale; and
- minimising the investigation's impact on the day-to-day running of the business.

It is worth remembering that, ultimately, the employer bears full responsibility for the manner, fairness and impartiality of the investigation. CCTV can be an important tool in uncovering the truth of the matter, as can computer records. The chosen investigator should be given access to both.

Following up the results of the investigation

If the evidence proves the employer's suspicions to be groundless, then the situation should finish there. If the employee has become aware that they are or have been investigated, the best procedure is complete transparency. If appropriate, you might need to present them with the evidence that presented the grounds for suspicion.

If the investigation provides firm evidence of employee theft, you will then need to decide what to do next. Most companies have protocols and procedures to follow. As a rule of thumb, the next step is to report the findings and present the proof to the company's legal advisor. Smaller companies, who may not have representatives of this sort, are advised to seek the services of an [employment](#)

[lawyer](#). It is crucial to take advice at an early stage to ensure the disciplinary procedure is dealt with properly.

Interviewing the accused

Reporting employment theft to the police is at the employer's discretion. This can result in criminal proceedings and either a financial fine or, in some cases, a prison sentence. However, most cases of employee theft are dealt with internally, either resulting in disciplinary action or dismissal.

Prior to any action being taken, it is strongly advised that the accused is interviewed. This gives them the opportunity to give their side of the story and is part of the process of fairness and impartiality. The interview should be conducted in a calm and reasonable manner and evidence supporting the accusations should be presented. Should the theft be proven, then the employer should once again consult a legal advisor.

While it might seem a long road to take, riddled with procedure and red tape, ensuring that your investigations follow the appropriate guidelines and advice are as much a protective measure for the employer, as they are the path to bringing a thief to justice.

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Note: This is not legal advice; it is intended to provide information of general interest about current legal issues.

