



## Factsheet

# Being a witness

From time to time, Toowoomba Catholic Schools (TCS) may be required to undertake an investigation into the conduct, performance or workplace behaviour of an employee or volunteer. In some cases, allegations are made which, if proven, may result in disciplinary action and/or other corrective actions.

In all of these circumstances, TCS is committed to implementing an investigation process that is thorough, fair, timely and focused on resolution for all parties where possible. Detailed TCS Investigation guidelines set out how investigations are to be conducted, and the steps involved.

Part of the investigation process may involve a TCS-appointed investigator speaking with witnesses, who play an important role in assisting the investigator to gather their version of events.

A witness may be nominated by the person subject of the investigation (the respondent), the person who made the complaint (the complainant) or they may have been identified as a witness in another way, such as being named in a document.

### What happens in a witness interview?

A witness is usually contacted by the investigator who will arrange a suitable date, time and place to conduct the interview. The investigator will explain the interview process and any other relevant information when this initial contact is made.

The purpose of the interview is to gather the witness's version of events in relation to the particular allegation in as much detail as possible. Witnesses may be asked a number of questions to clarify information and will have the opportunity to ask questions of the investigator.

The interview is conducted in private, and is audio recorded to ensure that everything discussed is accurately captured. Witnesses are able to access a copy of the interview recording if requested.

### Can I bring a support person to the interview?

Yes, as a witness you have the right to bring a support person to an interview if you wish. Support persons have a clearly defined role in an interview, which is detailed in the 'Being a Support Person' Factsheet.

### Do I have to participate in the interview?

If you are an employee of TCS, you are obliged to participate in a witness interview. Other witnesses who are not TCS employees may decline to participate in an interview, in which case the investigator must rely on other information or evidence in the investigation process.

As a witness, you are encouraged to answer any questions fully and to the best of your ability. You are not obliged to answer all questions in an interview - it is not an adversarial process and you must not feel that you are under pressure to answer questions. Witnesses should feel that they can speak openly and honestly, without fear of repercussions.

### Will I be identified in the investigation?

The investigator will use the information you provide as part of the investigation report, which is a confidential document provided to the person making the decision as to the outcome of the investigation. Whilst witness names are included in the investigation report, they are generally not released to the respondent unless there is a requirement to do so by law. Again, witnesses should not fear repercussions for participating in an interview, and steps are taken to ensure their privacy and wellbeing is maintained. Any inappropriate approach to a person as a result of making a witness statement will be treated seriously by TCS.



### Confidentiality

Witnesses, like any other person involved in an investigation process, are bound by confidentiality requirements. This means respecting the privacy and dignity of everyone involved in the process by

- Not discussing the allegations with anyone other than the investigator or your support person.
- Not discussing information gathered from any meeting or interview with anyone other than the investigator or your support person.
- Not distributing any documentation or material that forms part of the investigation process.

### Support

TCS recognises that any investigation process is challenging, and encourages all employees and volunteers involved in an investigation to access the support that they require. TCS offers an Employee Assistance Program (EAP) through [CatholicCare](#), a free and confidential service accessible by calling 1300 477 433. Alternatively, TCS employees and volunteers can access an alternative provider of their choosing, where TCS will meet the cost of the first three sessions and further sessions with prior approval.

Please contact the Professional Standards team at the Toowoomba Catholic Schools Office should you have any additional queries about the role of a witness.

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### For more information

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