

Supporting guide for Witnesses

An Investigating Officer's role is to gather factual information about allegations as part of an investigation under Carmarthenshire County Council's Disciplinary, Grievance or Whistleblowing Policy and Procedure. If you are asked to attend an investigation interview as a witness this will be because you have been identified by the investigation officer conducting initial enquires and/or as part of a formal investigation as potentially being able to assist in providing supporting information to inform their investigation.

The following is a guide which aims to outline what you can expect as a witness. If you have any queries not covered in the guidance please do not hesitate to contact your HR advisor.

Being a witness may cause some people concern and it is important to remember that you are being asked to attend the interview purely as a potential witness and that no allegations have been made against you.

All investigations are confidential and should not be discussed with your colleagues. Any breach of confidentiality could prejudice the investigation and will be treated very seriously. If a breach is found to have occurred, it could lead to disciplinary action being taken against the person concerned.

The details of the venue along with the date, time and who will be attending the investigation meeting will have been included in your invite letter.

At the beginning of the meeting you will be informed that a record of the investigatory discussion held will be made and retained by the Investigating Officer and that whilst it will be an accurate record it won't be a verbatim record. You will also be informed that if information you provide is relevant to the investigation and likely to be presented at a disciplinary hearing, potentially a disciplinary appeal hearing and in some rare cases an Employment Tribunal you may be called to attend.

Please be aware that, at any point during the meeting, either party can ask for an adjournment.

Advice on questioning

To assist in ensuring a full investigation is undertaken you should;

Listen carefully to the question being asked.

If you do not hear the question properly or do not understand part of the question then ask for clarification. There is no need to guess what the question is.

Always try to take a couple of seconds to think and then speak clearly.

Provide as full an answer as possible to the questions.

If you cannot remember something, then say so. Do not guess. Be straight in your answer and do not be evasive. If you agree say so. Likewise if you do not agree you can say.

Witnesses attending a formal disciplinary hearing

You may be called to provide evidence at a disciplinary hearing, potentially a disciplinary appeal hearing and in some rare cases an Employment Tribunal if you have participated in an investigatory interview and your statement has been included as part of a formal procedure.

The details of the venue along with the date, time and who you need to report to on arrival will have been included in your invitation letter.

You will be taken to a waiting room which is separate from the room that the hearing is being held in. You will be made aware of the facilities available such as toilet, drinks etc.

You might find it helpful to bring something quiet to do to help pass the time.

You should be aware that at some time during the course of the day you will meet the member of staff against whom allegations have been made. You will see them at the hearing, but you may also meet informally before the hearing, for instance in the car park, at reception etc. Whilst we do our best to manage the events of the hearing and this includes arrival times, waiting rooms etc. we do not have full control over the movements of all parties involved.

The process

You will be called as a witness into the hearing when your statement /evidence is required. It is not possible to give you a time when you will be called but as far as possible you will be informed of any significant delays.

In the room you will see:

- The Chair of the panel advised by a HR advisor
- Note taker.
- The investigation Commissioning Manager who will be presenting the case
- The respondent (employee that is the subject of the hearing) accompanied usually accompanied by a Trade Union representative or work colleague.
- The investigating officer may also be present to respond to questions from either party in respect of their investigation.

You will be asked to sit down and the Chair will introduce you to everyone that is in the room. Normally your statement will have been read already so it is unlikely that you will be asked to read your statement out but you must be prepared to do so if asked.

You will already have been provided with a copy of your statement taken at your interview during the course of the investigation. However a further copy will be made available to you prior to the hearing and/or on the day to refer to. A copy of your statement will also have been provided to all those present ahead of the hearing. It is fine if you want to bring a copy of your statement with you to the hearing to refresh your memory before you go in to give evidence as it might be some time since you were interviewed as part of the investigation.

Whoever has called you as a witness may ask you questions.

You can also be asked questions by the other party and also by the panel if they wish to do so.

If you think there is something in the statement that you made then say so and you will be helped to find it. This is not a memory test.

At all times you are reminded that you are representing the Authority/School and your conduct will need to reflect this. You will need to remain courteous and at no time should you lose your temper. The Chair of the panel will address any concerns relating to conduct of any party at the hearing, but in the event any behaviour should occur, may recommend that the disciplinary procedure is invoked.

You are encouraged to make your point clearly. If you are having difficulty in doing this, please explain this to the panel. It is always a good idea to watch the Panel and to pay particular attention to what they are saying. You may be asked to wait whilst something is being written down.

You will be notified in advance that you are required to attend a formal hearing. When you receive this notification if there are any other factors you believe may influence the arrangements of your attendance, please contact the named HR Advisor at the earliest opportunity to discuss. In the event that an investigation meeting and/or disciplinary/appeal meeting is to be recorded you will be notified in advance.

Timing

The hearing is planned as far as possible. Normally a hearing will take most of a morning or an afternoon but it is not possible to say exactly how long.

Depending on what happens on the day it is even possible that the hearing will either not go ahead, or be adjourned/postponed to another day. You will be kept informed as far as practicably possible.