

## **Investigation meetings – tips and techniques**

### **1.0 Listening**

1.1 This is the vital part of conducting an investigation meeting. Effective listening will help an investigator get a better understanding of the people they interview and their points of view. Typical actions that an investigator should follow include:

- have a list of pre-planned questions to follow and tick off
- remain focused on the witness and the reasons for the meeting
- concentrate on exactly what the witness says
- be open minded to anything the witness may say
- acknowledge the witness' viewpoint
- listen for points that the interviewee avoids covering or giving details on
- allow the witness to finish their point before moving the interview on or asking a further question
- use silence to encourage the interviewee to elaborate on points

### **2.0 Body language**

2.1 An investigator should think about their body language and consider how their actions may be perceived. Typical actions that can help to reassure and interviewee that the meeting will be conducted impartially, fairly and professionally include:

- facing the interviewee in a relaxed body posture
- being calm
- not folding arms, which can be intimidating
- giving an appropriate amount of eye contact
- giving appropriate affirmative facial expressions and gestures, such as nodding

2.2 An investigator should be careful to avoid making judgements based on an interviewee's body language. Where there is some discomfort or unease, an investigator could ask, in a sensitive way, why the interviewee is acting in a particular way, remembering that an interview of this sort can be stressful.

### **3.0 Questioning techniques**

3.1 An investigator should be able to ask questions that challenge and test the credibility of the information being given in a manner that is professional and does not intimidate an interviewee. There are a number of different types of questions an investigator may use during an investigation meeting to help them control the meeting and gather the full facts of the matter from the interviewee.

### 3.2 Questioning approaches to use:

- Open questions: Encourage an interviewee to open up. They can provide a rich source of information that an investigator can then go on to explore in more detail. For example:
  - Explain to me exactly what you saw...
  - Describe exactly what happened ...
  - Talk me through what you heard ...

### 3.3 Closed / specific questions: Usually give a Yes, No or definite answer. They can be helpful to gather specific facts and can help focus an overly talkative interviewee. For example:

- What time did you leave your workplace?
- How many times did that happen?
- Did you speak to your manager about that?
- Who else was there?

### 3.4 Probing questions: Can test the strength of an interviewee's account and challenge any inconsistencies. However, it is important to phrase these questions so they are inquisitive rather than interrogative. For example:

- When you say she was aggressive what exactly do you mean by aggressive?
- You mentioned earlier that X... tell me more about that.

### 3.5 Feelings questions: Can help to focus an interviewee on what is important to them and reveal their beliefs. However, they should be used sparingly as the meeting is mainly to establish the actual facts of a matter. For example:

- What was important to you about that?
- What is your main concern about what happened?

### 3.6 Asking "What else?": Helps an investigator to probe deeper beyond the initial information provided. However, care needs to be taken to ask this sensitively. For example:

- What else can you tell me about what happened?
- What else do I need to know about the matter?

### 3.7 Summaries: Provide an opportunity to check that the correct information is recorded. They also allow the interviewee to reflect on what they have said, to correct any inaccuracies and to give further details where there are gaps. For example:

- So can I clarify that what you are telling me is that you left your workplace at 10am because there was a problem at home and you did not return to work. Have I got that right?

### 3.8 There are some types of questions that can hinder an investigation and should be avoided wherever possible.

## **4.0 Questioning approaches to avoid**

4.1 Interrogative questions: The aim of the investigation is to establish the facts rather than interrogate someone. Although sometimes necessary, “Why” questions can make people defensive and close up. For example:

- Instead of “Why did you do that?”, use “What made you decide to do that?”

4.2 Leading questions: These can lead the interviewee to provide the answer the investigator hopes or expects to hear. For example:

- Instead of “Do you think he was perhaps over reacting?”, use “What did you think of his reaction?”

4.3 Multiple questions: Lead to confusion and the interviewee will answer what they heard first, last or the part they are most comfortable answering. For example:

- Instead of “What is your role, do you like it and why?”, ask each question individually.

## **5.0 Reluctant witnesses**

5.1 Some employees may be reluctant to provide evidence for an investigation. An investigator should explore why an employee is reluctant to give evidence, provide reassurance and seek to resolve any concerns they have.

5.2 An investigator should try to avoid anonymising witness statements whenever possible. This is because an employee under investigation is likely to be disadvantaged when evidence is anonymised as they will not be able to effectively challenge the evidence against them.

5.3 Only in exceptional circumstances where a witness has a genuine fear of reprisals should an investigator agree that a witness statement is anonymised. However, if the matter becomes subject to legal proceedings, and it is necessary in the interests of fairness, an employer may be required to disclose the names of any anonymous witnesses.

5.4 Where an investigator decides that the circumstances do warrant an agreement to anonymity, an interview should be conducted and notes taken without regard to the need for anonymity. An investigator should then consider what, if any, parts need to be omitted or redacted to prevent identification.

## **6.0 Handling a refusal or failure to attend an investigation meeting**

6.1 If an employee refuses to attend an investigation meeting, an investigator should try to find out why and see if there is a way to resolve the issue. It may be that they are unable to attend for a legitimate reason, such as illness, and an investigator could rearrange the meeting or ask the employee to produce a witness statement instead.

## **7.0 Employee relationships and motives**

7.1 When interviewing a witness an investigator should be alert to their possible motives. They should make tactful enquiries into the relationship between the witness and any employee involved in the matter because this may add or detract from the validity of the witness's statement.

7.2 Usually, this can be done when interviewing the witness themselves and, where relevant, the person under investigation. However, in some circumstances an investigator may also decide it is necessary to ask other witnesses for their views on the impact a particular relationship might have.

7.3 An investigator should be careful about the tone and phrasing of their enquiries and remember that a witness is not under investigation.