



INFORMATION FOR PARTICIPANTS IN PROFESSIONAL STANDARDS AND PERSONAL CONDUCT INVESTIGATIONS

OUR APPROACH TO INVESTIGATIONS

ESPC SERVICES is a leading service provider in this very sensitive area. We recognise the stress on all parties, including witnesses, that participation in an investigation of this nature involves.

We work hard to progress matters quickly, but always according to principles of due process, fairness, and best practice according to the context of the case. It isn't always possible to conclude investigations as quickly as might be wished, for many reasons – availability of evidence and witnesses; the need to give parties time to prepare for interviews and make a properly prepared response; the time it takes to consider evidence, make sound determinations, and prepare reports.

We will treat everyone involved in an investigation fairly and with consideration, always mindful of their personal welfare and that of others. If there are particular stresses or personal welfare issues that we might not be aware of, we invite disclosure and discussion in confidence, at any stage of the investigation.

CONFIDENTIALITY

Everyone involved needs to be mindful of confidentiality, for the sake of the parties and in the interests of natural justice and due process. The matters we investigate are personally sensitive and often involve intimate details of peoples' lives. They are entitled to respect and confidentiality. Just as important, it is essential that we can rely on the integrity of witness evidence, knowing that parties and witnesses are talking from their own knowledge and not on the basis of rumour or what they have been told or directed by others. This extends to those managing the situation within the church, school, or other agency from which the situation arises.

It is also important that each person involved can say confidently, if the question is ever asked, that their evidence was not influenced by others because it was not discussed with others. If you are approached to discuss evidence before or after an interview you should not do so without appropriate advice.

INTERVIEWS AND THE ROLE OF THE SUPPORT PERSON

We generally record interviews, and encourage the presence of a support person. When interviewing minors and children, we insist on a support person being present. For adults, it is generally a matter for the individual to decide whether they have a support person or not.

The role of the support person is to witness the interview and ensure the well-being of the person to be interviewed. A solicitor, counsellor, or union representative may act as a support person but it needs to be clearly understood that the support person is not there as an advocate, or to answer or influence the response to questions. Any person with knowledge of a situation might be asked to provide evidence and accordingly cannot act in the role of support person. Parents of a child involved, other than as a bystander witness, will probably have discussed the situation with their child and may be directly involved as an informant, and accordingly cannot act in a role of support person for their child. Similarly, husbands and wives will probably discuss the situation before or after an interview. They may have shared knowledge and therefore might both be asked to provide information. For those reasons it is not appropriate for a spouse to act as a support person.

Due process and transparency also requires that any person who will have an involvement in considering an investigation report, making final determinations, or managing the outcome of an investigation, cannot participate as a support person.

Ethics

Standards

Personal Conduct

Investigations

Review

Risk Assessments

Advisory Services

Compliance

Training

Sydney Head Office

Suite 902

1-9 Chandos Street

St Leonards NSW 2065

PO Box 157

St Leonards NSW 1590

Australia

Tel (61) 02 9966 5920

Fax (61) 02 9966 5110

ABN 86 080 118 029

New Zealand

PO Box 142

Hanmer Springs 7334

Tel (64) 027 315 5209

admin@espcservices.com

www.espcservices.com