

BEING A WITNESS

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1. Being a witness

From time to time, incidents in the workplace or concerning students will trigger the need for an investigation by the University. The normal aim of an investigation is to establish what has happened, why, who has been involved or affected and to make any necessary recommendations based upon the evidence and facts gathered during the process.

To help ensure that any investigation is conducted on the basis of the broadest range of evidence, which is in everyone's interest, the willingness of students and staff to participate in the process is crucial. Participation can involve the provision of written statements and/or, attendance in person at a hearing. As members of the University community we are all expected to help with investigations. If you are asked to be a witness you are being asked to relate your recollection of the facts and circumstances surrounding the incident to assist with the investigation.

The University very much values your contribution as a witness and, importantly, you are contributing to ensuring our University environment is fair and equitable and the sort of place we want to work and study. Being a witness is unfamiliar territory for most people so the information that follows is a guide so that you may know what to expect at investigations and hearings.

2. How will I know the University wants me to be a witness?

The first contact you are likely to receive will be from the person investigating the incident on behalf of the University. He or she is known as the Investigating Officer and throughout the process will be assisted by an academic or administrative member of staff if the complaint is student-related, or a Human Resources Officer if it is a staff complaint.

The Investigating Officer will contact you initially and may wish to meet you. They will explain the background of the complaint but you will not be given any documentation about the complaint. The verbal details they will be able to give you may be restricted to an extent but you will receive sufficient information to allow you to identify the incident under investigation. They will then seek your agreement to providing a witness statement.

The Investigating Officer then will answer any questions you may have (see section 5).

The Investigating Officer, or their assistant, will confirm when and where your witness statement will be taken. This will give you time to think about what you know about the situation being investigated. You will be expected to attend the meeting with the Investigating Officer. If you are a member of staff your manager (where appropriate) will take the necessary steps to support your attendance. If you are a student your School Office will be able to provide you with further information.

3. What will the investigation involve for me?

When an investigation is being carried out, the role of the Investigating Officer is to establish a rounded and impartial view of the facts and evidence and to make appropriate recommendations at the conclusion of the process. Therefore, you may be one of a number of people sharing their knowledge of what has happened.

Your statement will be taken by the Investigating Officer in a private room where there will be no interruptions. The Investigating Officer will summarise the reason for the investigation and the pertinent facts they are able to share with you. They will then ask you questions about what you know of the incident. You simply need to answer the questions truthfully and in a straightforward manner, in your own words and focussing on the facts rather than providing opinions or speculation.

If you feel that a question is not clear, ask the Investigating Officer to clarify or rephrase their request. If you do not know the answer to a question, or have forgotten something, it is acceptable to tell the Investigating Officer that. Please do not make a guess when you do not know something. The person assisting the Investigating Officer will take notes and may also ask you some questions. Sometimes it helps to bring any papers you may have to which you wish to refer, but please be aware that where your notes have direct relevance to the matter under consideration, they could form part of the investigation and be shared with the parties involved,

At the end of the meeting the Investigating Officer will thank you for your co-operation and explain that your statement will be prepared and sent to you for signature.

It is possible that after seeing other witnesses the Investigating Officer may wish to clarify further points with you, in which case they will contact you again.

4. What happens to my statement?

When your statement is prepared and sent to you, read it carefully and if you are satisfied that it is an accurate representation of the meeting, you should sign and date it and send it back to the Investigating Officer, retaining a copy for yourself.

If you believe there are inaccuracies in respect of what you said, you should contact the Investigating Officer. The statement may be changed or a note of your comments will be attached to the statement. Similarly, if you wish to change your statement after it has been signed, those changes will be attached to the original, as the signed statement cannot be changed once it has been agreed.

It is important that you understand that any statements made during your meeting with the investigator will be shared with other parties who are the subject of the investigation. This is a normal part of the investigatory process.

This may be the end of your involvement as a witness unless the matter is sufficiently serious to be the subject of a Hearing. The University has a number of formal processes during which a witness may be asked to give a statement or be requested to answer questions relating to their statement.

Staff investigations, Hearings and Appeals may include :

- a grievance procedure
- a capability procedure
- a disciplinary procedure
- a dignity at work and study process

Student investigations and hearings may include:

- a complaints procedure
- a fitness to practice procedure and appeal
- an undergraduate or post graduate appeal
- a disciplinary procedure and appeal

In all of these cases, consideration will be given to whether your written statement will simply be included in the papers the panel which hears the case will receive or whether it is desirable for you to give your evidence face-to-face to a panel hearing.

5. What about confidentiality?

We place trust in the integrity of our witnesses by asking them not to divulge anything they have learned about the investigation to others; this includes other witnesses in the same case and, if you are accompanied, your friend or colleague. You should consider that the process is private to the participants in the investigation (understanding that your information will be shared with the complainant and the persons against whom a complaint is made). If you feel the need to discuss something connected with the case you should contact either the Investigating Officer or the person assisting them, or someone who is professionally obliged to maintain confidentiality such as the Student Pastoral Support Manager or, your Human Resources Officer (other support groups are available).

Remember that your statement is one element, amongst others, used to help establish the facts and circumstances surrounding the matter under investigation. As such, it will normally be shared with the complainant, the persons against whom the complaint is made, their representatives and the panel at any Hearing (whether or not you are asked to be present).

6. Can I take a friend or colleague with me when I am making a statement?

A friend or colleague may accompany you but this is not usual when statements are being taken from witnesses. Your role is to provide information so that a factual report can be prepared. As such, you are unlikely to need an accompanying person and the assumption is that you will attend your meeting individually.

If you do bring a friend or colleague to the meeting, their role is only to support you with their presence and not to participate in the discussion. They will be expected to keep private any discussions they hear.

7. What can I expect if I have to give my evidence at a Hearing?

Depending on the type of procedure (see section 4) you may be asked by an individual staff member or student to be a witness or you may be asked by the University to be a witness.

Normally a hearing will take place before a panel of senior members of staff from across the University who will hear a case. The panel will be chaired and it may also involve student representation as appropriate in student cases.

You will normally be told in advance who the panel members are.

When you arrive at a Hearing you should follow the guidance issued in the letter requesting your attendance, regarding where to wait until you are called. There may be a short wait until you are called so there will be refreshments and facilities close by. Every effort is made to ensure witnesses have individual rooms in which to wait but depending on the location of the hearing one waiting area may need to suffice for all the witnesses and parties. In that case, it is perfectly acceptable to acknowledge and exchange pleasantries with others but you should avoid talking about the case. If there is going to be a prolonged delay a member of the panel will advise you whether you may leave and return at a specified time.

When the panel is ready to see you, you will be collected and taken to the room in which the Hearing is being held.

Witnesses are normally called to the Hearing after the panel has heard the initial evidence from the complainant or the person against whom the allegations have been made. They and their representatives (if they choose to have representation) will remain in the room.

You will be introduced to all present and may then be asked questions by:
the person who has called you as a witness or their representative
members of the panel and other parties involved in the hearing.

The panel and the parties to the hearing will have received documentation on the case prior to the hearing, including your statement. Your fellow witnesses will not have received your statement; neither will you receive theirs.

You will be guided by the Chair of the panel about the correct procedure to follow during the hearing. You may find the Chair or the other parties focusing on aspects of your evidence that they particularly wish to explore.

When the Chair of the panel is satisfied that you have answered all the questions from the panel and the parties that you are able to, you will be thanked and it is likely that you will be told that there is no need for you to wait and you may return to your work or study. If for any reason the panel wishes you to wait in the waiting area, in the event they want further evidence from you at a later stage in the proceedings, this will be made very clear to you. If it is not, you are free to go.

The same procedure is then followed for the other witnesses. Once all the evidence has been heard, both sides sum up their cases before the panel retires to consider their decision.

8. Can I expect to hear of the outcome of the case?

The duration of an investigation and any subsequent hearing varies depending upon its complexity and the availability of key people.

As a witness, you will not normally be advised of the outcome of the investigation or hearing.

9. The University's commitment to you

You will be treated fairly and respectfully. Questions will be put to you in a polite, sensitive manner. You should be reassured that although the handling of a complaint is, by its nature, a serious and formal matter, we try to make witnesses feel as comfortable as possible so that they can relate what they know, in their own words.

Any specific needs you may have, (for example with communication, language, disability or vulnerability) should be discussed at the outset with the Investigating Officer and reasonable adjustments will be made to facilitate the meeting.

If you feel you have not been treated appropriately, as a student you should contact the Deputy President, DUSA or as a member of staff you should contact your Human Resources Officer. They will be able to provide assistance and outline your options.

The University has a responsibility to you to ensure that you do not experience difficulties in any way as a result of being a witness. If difficulties do arise they should be raised with your Human Resources Officer if you are a member of staff or with the Student Pastoral Support Manager if you are a student.

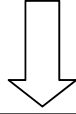
10 Your comments

We value your feedback on your experience of being a witness in order to support continuous improvement in University procedures. Any comments you wish to make should be sent to the Investigating Officer involved in the case.

Arrive at the hearing

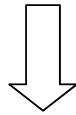
Flowchart of the Process at Hearings for Witnesses

- Follow guidance in letter requesting attendance
- You may have a short wait
- All parties involved in the hearing may be together in waiting room



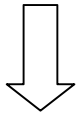
Called to the hearing

- A panel member will escort you from the waiting room to the Hearing
- The panel is made up of senior staff from across the University
- You will be introduced to panel members and the parties involved in the complaint/allegations



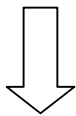
Provide evidence to the hearing

- You may be asked questions by:
 - members of the panel
 - the complainant (or representative)
 - the person who is the subject of the complaint/allegations



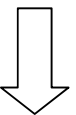
Further evidence

- You may be required to give further evidence to clarify matters that arise as a result of others' evidence
- The Chair may ask for any final points of clarification



Leave hearing

- You will be thanked and asked to leave by the Chair of the panel once your evidence has been taken. You can return to your work/study unless specifically asked to wait



Post hearing

- You will not normally be given the formal outcome of the hearing as a witness