**HOW TO GATHER WITNESS STATEMENTS**

**Introduction**

There may be an individual who has relevant information about an alleged act of misconduct committed by an employee and will be a witness. To establish the information from the witness you need to interview them and decide whether the information they present has relevance and validity to the investigation.

**Preparation**

It is important to be aware that you cannot force a witness to give a written statement so you must ensure the witness feel that the information they hold is very important and will assist greatly with the investigation. You have to recognise that their account of the allegation/s may be biased and therefore you must prepare for this and understand that the purpose of interviewing the witness is to separate the facts to what is relevant to the investigation.

 Statements should be taken from the person who made the allegation and any witnesses

 Statements should be obtained as soon as possible after the relevant events to ensure the maximum accuracy of the information gathered

 You may wish to have someone present to take the statements for you. If so, they must be made aware of the need for confidentiality

 Ensure you arrange a quiet and confidential location for the meeting and that you are not interrupted

 Prepare for the meeting by writing down questions you want to ask and points that you wish to clarify

**Obtaining the Witness Statement**

 Witnesses must be informed that the process is confidential and should not be discussed

 If the potential witness requests to be accompanied by a colleague or trade union representative this can be permitted but they may not answer questions on behalf of the witness

 Witnesses must be advised at the outset that the information they provide may be presented at a disciplinary hearing, should the matter reach that stage, and therefore may be copied to the employee at that time. They should further be advised that they may be requested to attend a hearing to present their evidence. In addition, witnesses must be informed that if the employee under investigation is a member of a registered body eg GTC, SSSC, a notification may be required dependent on each body’s rules and the registered body may require sight of the full disciplinary papers, including witness statements. Management should indicate their support to witnesses at this stage, particularly where a witness may fear potential reprisals

 The purpose of the interview is to establish what the witness knows and to gain a clear statement of facts. It is advisable to probe and test the witness to be assured that the evidence is accurate

 The witness statement should be unambiguous and in the words of the witness. Dates and specific incidents should be noted rather than vague accusations. The statement, which should indicate the name and post of an employee, or the name of a member of the public should be typed and returned to the witness for verification and signature. The date of signing should be clearly indicated on the statement. If it is not possible to type the statement then the hand written copy should be signed. When the statement is written up it is good practice to include wording to the effect that the witness is aware their statement may be passed to an external regulatory body eg GTC, SSSC, as part of disciplinary proceeding papers, should it be required as part of an external body’s own investigatory process.