

INTERVIEWS

Interviewing is a learned skill that does not come naturally to most people. Do not assume that it is like interviewing someone for a job. Regardless of whether they are the respondent or a witness, the person you interview is likely to be intimidated by the process. They may be emotional, anxious, antagonistic, or angry. Do be safety conscious when planning interviews. Be aware of the need to protect the welfare of all participants.

Planning an interview

Planning for interviews is very important. This includes deciding what evidence and lines of inquiry you need to cover.

You should start with open ended questions that do not contain assumptions. A good start is to ask the interviewee for their version of events. Your interview should then be divided into lines of inquiry. Make a list and draft questions to ask about each line of inquiry.

For each line of inquiry, commence with open questions (to tell, describe or explain), move to probing questions (what, why, how), and then finish with closed questions (questions with yes/no answers).

As a general rule, do not ask leading questions. The exception to this is when you are summarising and confirming the evidence the interviewee has given.

Do not be rigid in following your plan – be open to following unexpected lines of inquiry.

Make sure you have prepared any documents or evidence you want to show the interviewee.

Where possible, a second person should sit in on the interview. This is advantageous from a safety and guidance perspective. The second interviewer may also pick up things that the principal interviewer does not.

Standard wording and questions for interviews	
Start of the interview:	<ul style="list-style-type: none"> • time, date, location • name all persons present • seek consent for the interview to be recorded, offer for interviewee to also record the interview • advise that the interviewee or the support person may halt the interview for a break or to speak privately at any time • if the interviewee has chosen not to have a support person, ask them to re-confirm this decision • short description of the subject of the interview • make it clear that the information they give will be recorded, may be used in evidence, and may be disclosed to other parties
Start of the interview – questions for the interviewee:	<ul style="list-style-type: none"> • please state your full name, date of birth, address and occupation • do you have any questions?
Body of interview:	<ul style="list-style-type: none"> • at the end of each line of inquiry, check in to see if the second interviewer has any questions for the interviewee
End of the interview – questions for interviewee:	<ul style="list-style-type: none"> • is there anything else you want to say? • are there any other witnesses or other evidence of which you are aware that may assist the investigation? • do you have any complaints about the way the interview has been conducted? • would you like a copy of the recording and/or transcript? (this may have to wait until the investigation is complete)
End of the interview:	<ul style="list-style-type: none"> • explain what will happen next • remind the interviewee and support person about their confidentiality obligations • give the interviewee your contact details and encourage them to contact you if necessary • ask them to provide you with any evidence they have cited and the contact details of any witnesses they have nominated

Notice and support persons

Notice of about three days should be given to each interviewee. You should give them a general outline of what will be covered in the interview. You should not provide the questions in advance.

When you give notice about the interview, tell the interviewee that they have the right to bring a support person. It should be made clear that this person cannot be involved in the investigation or the alleged misconduct in any way. The support person should be entirely independent.

Unless specifically provided for in an industrial instrument or legislation, the role of this person is to act as an emotional support for the interviewee. It is not their role to act as an advocate. It is particularly important to make this clear if the support person is a lawyer or union representative.

The support person should be made aware of their confidentiality obligations at the start of the interview.

If an interpreter is required, they should be engaged by the investigator where possible and must not be associated with the interviewee. They cannot be involved in the investigation or the alleged misconduct in any way, and should be made aware of their confidentiality obligations.

Recording the interview

Wherever possible, you should record interviews. Audio recordings are sufficient. If the interview is part of a formal disciplinary investigation, the person you are interviewing does not need to consent to the recording. However, it is best if you do gain their consent. If they are hesitant, make it clear that this is the most effective and accurate way to record their evidence. They should be given the opportunity to record the interview with their own recording device.

If you are not able to record the interview, you should take detailed notes and write them up as soon as the interview is complete. If possible, have someone else attend the interview to take notes. You should, if possible, get the interviewee's agreement in writing that the notes are a true and correct record.

In certain situations where the evidence you need is not extensive, you may be able to conduct a telephone interview. As above, you should type up the notes immediately and get the interviewee's agreement that the notes are a true and correct record.

If the interviewee disputes the record of interview, the areas of disagreement should be noted and signed by both the investigator and the interviewee.

Effective interviews

Be careful about your body language during interviews. It is important that you do not give tacit approval, support or encouragement to the interviewee. Your role is to be neutral.

When you put evidence to the interviewee, avoid changing the words or phrasing used by other witnesses. Do not give personal opinions or make comments about the evidence provided. For example, do not say things like: 'Yes, I can understand that', or 'Yes, I agree'. This language can show an apprehended bias.

Do not say or do anything that would suggest a decision has already been made about any aspect of the matter. You should avoid making accusations, and be careful not to use threatening language.

If you think or know someone is lying about something, you should continue with your interview. It does not mean that they are lying about everything.

Don't enter into a discussion or debate with the interviewee. You are there to get their evidence, not yours.

Make sure you allow the interviewee to fully answer each question. It is easy to interrupt. Pause and give them time to consider if they have said everything they want to say.

Developing a rapport

If you can make the interviewee comfortable, it is more likely that you will obtain the evidence you need. Be aware of the possibility of unconscious bias, and avoid approaching the interview with an adversarial mindset.

Interview settings can be important. Do not have the interview somewhere the person will be afraid of being overheard. Make sure phones are on silent. The interview room should be as welcoming as possible – no dark, windowless rooms – and the setup should not be adversarial if possible (for example, round table).

At the start, you should introduce yourself and any other person present, and explain in general terms the purpose of the interview and how it will be undertaken. Discuss the support person, the recording of the interview, how the interview will be used, and what will happen after the interview. Ask them if they have any questions.

Do not make guarantees to the interviewee. You cannot, and should not, guarantee confidentiality, how their evidence will be used, how the process will evolve, or the end result of the process.

Interviews should not run for too long. If necessary, take a break or finish the interview with an agreement to meet again another day.