



Safer Services
Toolkit



Investigations Workbook



Contents Page

Important Information

About the Investigations Workbook	2
Summary of Organisational Obligations	3
Guiding Principles for Investigations.....	3

Initial Responses

1. Allegation / Offence Suspected	5
2. Police notification if the allegation of abuse is potentially criminal.....	6
3. Accused person removed from the environment	7
4. Support offered to all parties	8

Investigations Planning

5. Identify and Appoint a Suitable Contact Person (If Required)	9
6. Identify and Appoint a Suitable Investigator	9
7. Form an Investigation Plan.....	10

Investigations Process

8. Gathering Evidence	11
9. Prepare for and Conduct Interviews	11
10. Collate Information for Investigation Report.....	13
11. Investigation Report findings, outcomes, and communications.....	13
12. Responding to Investigation Findings	15

Appendices

Appendix A: Investigations Step by Step.....	17
Appendix B: Investigations Checklist.....	19
Appendix C: Investigation Plan	23
Appendix D: Investigation Report.....	26
Appendix E: Resources.....	29

Important Information

About the Investigations Workbook

The **Investigations Workbook** has been adapted from the NDS Zero Tolerance resource “Conducting Investigations: A Guide for Victorian Disability Service Providers”, for a West Australian context. This workbook is intended for use by senior staff within the organisation who have formal responsibility for conducting investigations as part of the role, and who are appropriately trained and experienced to do so. Please see the **Investigations Workbook- Step by Step** (Appendix A) for an overview of the content included in the workbook.

NDS WA would like to acknowledge the support and contribution of the WA Police Force and the Disability Services Organisations participating in the Safer Services Pilot in the development of this resource. We also want to acknowledge the time and expertise provided by individuals and organisations involved in the development of the NDS Zero Tolerance resource “Conducting Investigations: A Guide for Victorian Disability Service Providers”.

Caution and Disclaimer

Conducting an investigation is a serious and complex process that can have significant consequences for all parties if not done properly. An investigation should only be undertaken by a provider if there are staff members within the organisation who have appropriate training and experience to do so, are in an appropriate organisational role that will not impact on procedural fairness (e.g. existing line supervision of one of the people involved), have sufficient time and resources required to conduct a thorough investigation, or funding to contract an appropriate investigator external to the organisation. When in doubt, the expertise of professionals, the police, Department of Communities and other relevant resources should be sought (see Appendix E: Resources).

This guide provides information about the investigations process once an incident of abuse has been alleged, observed or reported. It is assumed that organisations will have met their responsibilities to ensure the immediate safety of all parties involved in the incident, reported the matters appropriately and in full to police and Department of Communities as required, and have taken active steps to ensure that people being supported and staff members are safe – including promptly removing staff being investigated from the workplace (see Summary of Organisational Obligations below, and Section 3. ‘Accused Person Removed from the Environment’ for further information).

Please note that this guide does not provide legal advice, and does not replace any existing policy, procedure, or legislation relevant to your organisation’s provision of services. It is intended to promote best practice approaches, including outlining of key steps, and templates for organisations to adapt for use as part of their responding to allegations of abuse.

Summary of Organisational Obligations

The safety and wellbeing of people with disability and staff is paramount, and organisations must prioritise this as part of their duty of care throughout the investigations process. The **Investigations Workbook** is one component of responding to instances of abuse, neglect or exploitation that have been disclosed, observed or reported. Organisations must ensure that:

- All parties are safe
- Medical treatment or emergency services have been provided if required
- Organisations reporting policies and procedures have been followed
- If a criminal offence is suspected, alleged, or known to have occurred the police must be notified
- Staff or volunteers who are being investigated have been removed from the workplace, as appropriate
- If the accused person is someone not from or known to the organisation, safeguarding actions are taken to minimise or prevent contact
- A duty of care is maintained including the requirement to support people with disability and staff members
- Safety and wellbeing of all people involved is prioritised

Guiding Principles for Investigations

When conducting an investigation, the following principles must underpin all actions and decisions made throughout the process.

Person-Centred Practice

All investigations should support the full and safe inclusion of the person(s) with disability involved in the alleged incident. Consideration should be given to the potential impact of the allegations and the investigation process on all people involved.

Procedural Fairness

Procedural fairness refers to a process that is without bias or undue prejudice. It ensures all steps have been taken so that there is a fair hearing, and the decision-maker should be free from bias. For processes to be accepted as appropriate and fair, it is imperative that they are applied consistently and with integrity and treat all people involved in investigations with respect. This includes recognising and managing actual, potential or perceived conflicts of interest.

Procedural fairness requires a decision-maker to:

- inform people of the allegations against them,
- give them a right to be heard,
- not have a personal interest in the outcome,
- act only on the basis of well-reasoned probative evidence,
- make good decisions in good faith and without bias,
- consider any person whose interests will be affected by the decision.

Insufficient standards can result in legal challenges that can undermine the outcome of very thorough investigations. Some service providers choose to use external investigators to ensure impartiality of the investigators.

Confidentiality

Confidentiality and privacy of all people involved in the investigation is paramount and must be maintained throughout the investigation. For example:

- Limiting the investigation to only people who need to be involved
- All participants in the investigation are advised and reminded that they are required to maintain confidentiality
- Organisational policies and procedures are in place to encourage people to make disclosures, and to protect them from any recrimination as a result (e.g. clear whistle-blower statement and policy)

Communication

The investigation plan should articulate clearly who will be responsible for communication with the various parties. See Investigation Plan Template (Appendix B). It is important to communicate with people throughout the investigation process, despite the fact that some information may need to remain confidential. A lack of communication and information can cause stress, anxiety and distress to all people involved in the process.

Timeliness

Investigations can cause stress, anxiety and worry for all people involved in the process. It is critically important that any investigation is allocated and completed in a timely manner.

Initial Responses

1. Allegation / Offence Suspected

Allegations may be made by a range of different people, and occur as a result of something the person has directly witnessed, found evidence of, or had reported to them. Resources within the toolkit such as Key Conversations and Responding to Initial Concerns, and the Zero Tolerance Resources can help organisations build a culture where people are supported to speak up about their concerns.

When an allegation or a serious concern is noted, people need to create a written record of this as soon as possible, written objectively, with a date and signature, and raise this with their line manager or appropriate person within the organisation.

Sometimes the allegation may be raised by a person with disability who has alternative and/or complex communication needs, and is not able to provide their own written, signed and dated statement. This becomes the responsibility of the person hearing their complaint or concern. Further guidance on how to receive and record concerns in these situations are in the “Speak up and be Safe” resources in Appendix E – Resource.

Clearly and accurately record all the details of the allegation. Allegations requiring investigation may include:

Types of **abuse** may include:

- Physical abuse - such as punching, hitting, slapping, burning etc.
- Sexual abuse - forcing someone to take part in sexual activity against their will
- Psychological or emotional abuse - threatening, harassing or intimidating a person
- Financial abuse - the wrongful use of another person's assets or denying a person the use of their own assets
- Use of constraints or restrictive practices outside of clinical recommendations and parameters in relevant plans
- Legal or civil abuse
- Systemic abuse

Types of **neglect** may include:

- Physical neglect - failure to provide adequate food, shelter, clothing and protection. Supervision medical or dental care that places people at undue risk through unsafe environments or practices
- Passive neglect - withholding or failure to provide the necessities of life
- Wilful deprivation - wilfully denying a person assistance and thereby exposing that person to the risk of physical, mental or emotional harm
- Emotional neglect - restricting the social, intellectual and emotional growth or well-being of a person

Types of **evidence** may include:

- Interview evidence from people involved
- Documents (emails, file notes, charts, digital information)
- Personal or formal notes that may indicate behavioural changes during period of alleged incident(s)
- Photographs (e.g. bruising, scratches) and video, including security footage
- Clothing, bedding, carpet (be mindful of potential for contamination, do not wash)
- Sketches or descriptions of the alleged incident/s
- Physical evidence, if available
- Medical and other reports
- Correspondence between worker and employer
- Policies, procedures and guidelines relevant to worker duties and expectations

Please see 'Section 9. Prepare for and Conduct Interviews' for some general tips on asking open questions and avoiding leading questions that may influence people's answers.

2. Police notification if the allegation of abuse is potentially criminal

For more information on what may be considered a criminal act and how to report this to WA Police, please refer to the website link below:

[WA Police Reporting a Crime website link](#)

For non-emergency police assistance call 13 14 44.

In case of an emergency contact 000. Only call 000 in an **emergency** or life-threatening situation, when **urgent police** assistance is needed.

It is best to check with Police at an early stage to ensure that steps taken in the course of your investigation do not impede a potential Police inquiry.

This may result in Police initiating a Criminal investigation. Providers will be instructed by Police about their process and any actions an organisation should or should not take. Key parts of a criminal investigation are to establish whether a criminal act has taken place, and the person(s) responsible.

Police may:

- Advise that you may undertake internal investigations at the same time as they conduct a criminal investigation
- Ask to delay internal investigation processes pending outcomes of their criminal investigation process
- Provide advice about how to avoid interference with any possible or current police investigation process
- Ask you not to mention Police involvement to staff, or provide information to external parties about the incident, pending outcomes
- Determine that an offence has not been committed and take no further action. Police interactions and advice should be recorded (written down) adhered to and recorded. Any new evidence from an internal investigation should be shared with Police who will determine if it is relevant.

Seek police advice before commencing or continuing any internal investigations, to ensure that this does not compromise a potential police investigation.

3. Accused person removed from the environment

The primary aim of the investigation that follows is to establish the impact on the alleged victim and whether the allegation against the accused person can be substantiated. The accused person must be promptly removed from any situation or environment where they are in contact with the alleged victim/s. In the event the accused person is a staff member, they must be removed from the workplace, and subject to organisational policy and workplace agreements. This may include being:

- stood down with pay
- provided an option to take leave (with or – by agreement – without pay)
- temporarily agreed redeployment to a role that doesn't involve contact with people with disability being supported by the provider. This can be beneficial for the alleged victim/s as well as the accused person/s to have distance while the investigation is taking place.

The accused person must be provided with the following information, taking care to protect the confidentiality of the person/s who raised the allegation as much as possible:

- reason/s why they are being investigated
- each allegation
- immediate and anticipated future steps that will be undertaken
- how procedural fairness will be adhered to, including
- opportunity to present their version of events as part of the investigation
- ability to have a support person of their choosing to attend interviews as part of the investigation

In the event that no active steps are required in order to remove the accused person from the alleged victim, the accused person must still be formally notified they are being investigated. They must be informed why, before any interviewing of witnesses occurs as part of the investigation process.

It is important to consider the methods of communication to ensure that any person involved has the best chance of understanding the information provided to them. Depending on learning styles, cultural backgrounds, and personal preferences this may vary. Key information such as a record of allegation, interviews and outcomes need to be presented in written form to ensure procedural fairness. However, you can support people to understand the content by providing any additional supports that will meet their needs (e.g. reading written statements out aloud).

4. Support offered to all parties

Continued support should be provided to the person(s) involved in the investigation, and in particular those who made the allegation. Support should include:

- Reassurance and support that they have done the right thing by disclosing / reporting
- Changes to individual supports as needed
- Clear, ongoing communication about the investigation process
- Information on available supports (e.g. advocacy, union, employee assistance program), and assistance to access these supports if needed.

Investigations Planning

5. Identify and Appoint a Suitable Contact Person (if required)

It is important to have a point of contact or coordination point for the investigation. A Contact Person may be required when there is an external party undertaking the investigation, or when there are multiple people conducting the investigation. Otherwise, the Investigator would typically be the Contact Person for the Investigation. A Contact Person should be:

- A suitably skilled and experienced senior member of the organisation
- Someone who does not have connections to any of the people involved in the investigation. (Note, any potential conflicts of interest must be declared before commencing in the role)
- Equipped to analyse evidence, materials and reports from the assessment process in order to make informed decisions about the best approach.

For example, a senior member of the Human Resources team within the organisation may be a suitable contact person for investigations.

6. Identify and Appoint a Suitable Investigator

Investigators can be internal or external to an organisation and will be responsible for ensuring investigations are conducted in a fair, thorough and timely manner. Key roles for the Investigator include:

- Investigation planning, including identifying information and evidence required, witnesses, and key stakeholders
- Evidence gathering including obtaining and assessing information, conducting interviews, gathering and reviewing evidence
- Analysing evidence and information collected, and compiling an Investigation report

If there are concerns that an investigation may be compromised, or where there is not an identified suitable internal investigator, an external investigator will be required. A poorly or improperly conducted investigation can have serious impacts on all people involved in the process, including people with disability and staff being investigated, and can have legal and other consequences for organisations. If no suitable option for conducting an investigation is available or there are doubts, consult with Department of Communities and other relevant parties (see Appendix E – Resources) for guidance before proceeding. Key considerations when appointing an investigator include:

- Expertise in working with people with disability, particularly with regard to interviewing, individual communication needs, and trauma-informed practice
- Expertise in interviewing staff members within a disability services setting, with strong knowledge of legislation, standards and policy
- Investigative skill levels proportionate to the seriousness of the allegations
- Capacity to manage the complexity of the investigation
- Ability to remain impartial from the events and any resulting consequences
- Demonstrated communication skills and a range of interview techniques that will enable people with disability to participate meaningfully in the investigation process
- Independence of decision-making about any staff disciplinary action, i.e. not part of direct line management for an accused person in the investigation

7. Form an Investigation Plan

The Investigator should decide on an Investigation Plan, along with the organisation's Contact Person (if being used). The Investigation Plan should contain information including:

- scope of the investigation
- who should be involved
- proposed actions and timeframes
- potential evidence, and where located
- investigation barriers
- communications

A template with more detailed information on what to include in the Investigation plan is part of the Investigations Workbook (Appendix B).

A brief overview of the scope and nature of the investigation should be communicated to the people affected and other required stakeholders (e.g. Guardians, families), using their preferred communication styles.

Investigations Process

8. Gathering Evidence

The moment you become aware that an investigation is needed stop and preserve evidence. Seek police guidance if you are unsure about an aspect of collecting and handling evidence. This may include ensuring:

- Areas where the incident occurred (e.g. a bedroom) is not used until police have an opportunity to gather evidence
- Items that may be evidence are not washed, for example clothing, carpet
- Documents and records that form evidence are collected promptly, and stored securely

Evidence can include anything relevant that contributes to an understanding of the incident and may be used to corroborate or disprove allegations. The more sources of evidence that form part of an investigation, the better. The Investigations Checklist (Appendix C) provides further suggestions about what types of evidence to look for as part of an investigation. If at any stage of your investigation, additional evidence is encountered that relates to potentially criminal activity, it should immediately be brought to the attention of police.

9. Prepare for and Conduct Interviews

Interviews are a formal opportunity to hear a range of testimonies and eye-witness accounts, confirm facts, and explore lines of enquiry. All potential victims, witnesses, and the accused people should be interviewed.

Prior to conducting each interview, the Investigator should:

- Identify the purpose of each interview
- Identify the potential challenges that may arise, and ways to mitigate this
- Identify the preferred communication style and any supports that may be required to conduct a successful interview (e.g. support person, communication aids, location, time of day)
- Ensure the person knows that they can bring a support person to the meeting, and that all parties know the role of the support person in the context
- Identify the method of recording the interview (e.g. a third party taking notes, typing answers as they are provided, request for permission to record audio)
- Determine when and how a record of the interview will be provided to the person being interviewed

Tips for conducting successful interviews in addition to the preparations listed above.

Use TEDS

T - "Tell me about that..."

E - "Explain that to me..."

D - "Describe that for me..."

S - "Show me..."

Other general interviewing tips and information:

- Frame allegations carefully so that they do not suggest a pre-determination of the issues. Factually identify the alleged behaviour and explain why that conduct would breach a particular code of conduct or policy.
- Adopt caution in characterising the alleged conduct using legal labels such as assault, theft and harassment.
- Check that the person knows they can bring a support person if they have not chosen to and ensure all parties are aware of the role of the support person
- Ensure that the support person is not a potential witness in the investigation
- Ensure that the support person is clear about their role
- Provide a familiar physical environment (e.g. an office they have been to before) that provides privacy
- Provide breaks as needed
- Plan for any required communication aids or trained staff to support the person, ensure they are clear about their role
- Provide a clear explanation of why the discussion is happening and provide the opportunity to ask any clarifying questions
- Use easy English through the investigation process, this may mean pre-planning questions
- Break down complicated concepts to ensure the person has a full understanding of what you are asking them
- Do not be confrontational or take sides
- Interviewees may appear obstructive or inconsistent, formal methods of interviewing including diligent recording of the interview, and the inclusion of some pre-formed interview questions are important
- Question inconsistencies in the person's responses (e.g. if accounts vary between witnesses, or there appeared to be inconsistencies within a single account during the interview)
- Use TEDS above, and avoid leading questions which can influence people's responses e.g. "you were feeling really angry, weren't you?"
- If all parties consent, an audio recording is the most accurate form of interview. An alternative, if consent is not provided, could be having someone type each question and response while the interview is taking place.

- Ensure people being interviewed have an opportunity to hear key statements that were recorded, and confirm that this was accurate. Written record of the interview should be signed by all parties present as soon as possible. If there is disagreement with the record, this should be noted.
- Remind all parties that privacy and confidentiality are critical – there should be no communication with anyone about the interview as it can influence others recollection or perception of events.
- Failure to follow procedure can lead to a breach in the process
- Interview the accused person after other key interviews have taken place, so you have as much information as possible to develop interview questions
- If staff are being interviewed have union representation, it is preferable to have a different union representative for each staff member

10. Collate Information for Investigation Report

The Investigation report should be completed by the Investigator, see the Investigation Report Template (Appendix D) for further detail about a recommended structure and information to include. The report should include:

- Conclusions that are based on the evidence presented.
- An outline of a clear, consistent narrative of events that support the conclusion.
- Information that does not have overreliance on a single witness or piece of evidence.
- The perspective of the alleged victim and the accused.
- Full demonstration that all avenues of enquiry within the scope of the Investigation were followed.

If the report does not meet these criteria, the Investigator (and Contact Person, if relevant) should discuss and agree on actions to resolve any outstanding issues. Once the report is finalised, it should be provided to the CEO or a suitable senior manager within the organisation for action.

11. Investigation Report findings, outcomes, and communications

The Investigation Report findings form the basis of decision making around outcomes for all parties. Refer to the Investigation Report Template (Appendix D) for further detail about the suggested structure and content of this report.

Once the Investigation Report has been finalised, the organisation needs to review the findings and recommendations and come to an agreement with the support of an experienced Human Resource Team actions and outcome to be determined.

The experience of the victim is a primary consideration for providers when determining outcomes where an allegation has been substantiated. Careful and

considered thought must be given to whether it is appropriate for the perpetrator to have any further contact with the victim, based on:

- clinical assessments of the situation, and
- the resultant likelihood of adding to trauma for the person concerned.

The victim's choice and control should be supported wherever possible.

Suggested language to communicate the findings of an investigation:

Substantiated – there is sufficient evidence the incident took place, and what actions were taken by whom. Providers need to act in accordance with legislation, industrial requirements and consider options including dismissal, a formal misconduct warning, or suspension. When determining the outcome for the accused, providers should take into consideration:

- the staff member's prior conduct
- the nature of the incident
- the strength of evidence and evidence relied on by the decision maker
- any mitigating circumstances
- any submissions made by the staff member

Not Substantiated—insufficient evidence- there is evidence the incident occurred, but not enough evidence for a conclusive finding against any particular person/s. Action may still be recommended including engaging in coaching, or other management strategies where it has been concluded there is a skills deficit even though no misconduct has been substantiated.

Substantiated—no evidence- there is no substantive evidence that an incident occurred. Providers should work closely with the staff involved and any industrial representatives to develop a return to work plan. There still needs to be careful consideration on whether it is appropriate for the staff member to have any further contact with the person involved.

Disproven – there is sufficient evidence to show that the incident did not occur as alleged.

The person who made the allegation and the accused person/s should be notified in writing of the outcome of the Investigation Report and resultant actions. This should be provided in any additional formats that best suit communication needs (e.g. face to face meeting, phone call). Other parties should be informed (e.g. families, guardians, witnesses) that the investigation was conducted, concluded, what the outcome was, and what actions the organisation will be taking as a result. Depending on the individual circumstances of the investigation, the degree of detail may vary. Factors determining this may include the need for inclusion or exclusion of information due to police investigation, maintaining confidentiality of people involved in the investigation, ensuring procedural fairness is followed. Provide details of people who can be contacted if there are further queries or concerns.

Supporting all parties involved in the investigation is imperative at this stage. Ensure people know what supports are available for them to access.

12. Responding to Investigation Findings

If an allegation has been substantiated, the Investigation Report will form the basis for an Organisational Review that considers the events in a broader organisational context. For example, investigation may have identified gaps in organisational policies, procedures, workplace guidelines, practice, and culture. Some key questions to consider include:

- What factors contributed to this incident being able to occur?
- Were there any early signs or signals that could have been detected, but were missed?
- Is there anything that could be done differently to prevent such an incident occurring again?
- Did staff involved adhere to policy and practice guidelines, and if not, why not?
- Are current policies and procedures in place sufficient, and well understood?
- What additional training, practices or resources would assist people with disability, families and guardians, staff, and other relevant parties?

The nature and circumstances of all investigations will differ.

Further factors for consideration:

- The impact to Organisational Culture of an investigation into abuse of a person with disability by a staff member – even where the allegations are not substantiated. People with disability and staff may be angered, upset, or confused about what has happened. This can be an opportunity to reinforce the importance of a positive reporting and complaints culture.
- Remind staff of their obligation to report, and revisit training on human rights and abuse prevention such as the NDS Zero Tolerance Framework and resources.

- Ensure that all communication regarding the investigations is clear and linked to a commitment to human rights and a zero-tolerance approach to abuse, neglect, and violence toward people with disability
- Examine whether any additional supports or training is required for the people you support, families and guardians, and staff.
- Ensure the organisation's Board is informed about investigations, findings, outcomes and actions. This will provide an opportunity to reflect and consider their own actions in response to the investigation. Information about individuals may need to be redacted (or de-identified) to protect privacy.

Appendix A: Investigations Step by Step

Important Information

Summary of Organisational Obligations

- Prioritise safety and wellbeing, in line with duty of care obligations to people being supported, and staff members
- Adhere to policies, procedures, guidelines, rules and legislation
- Take prompt action
- Uphold duty of care requirements
- Undertake required reporting actions in a thorough and timely manner (e.g. Department of Communities, Police)

Guiding Principles for Investigations

- Person-Centred Practice
- Procedural Fairness
- Confidentiality
- Communication
- Timeliness

Initial Responses

1. Accurately record all information regarding the allegation
2. Notify police if the allegation is potentially criminal. Police advice should be sought before commencing or continuing any internal investigations, to ensure that this does not compromise a potential police investigation.
3. Remove accused person from the environment, and/or implement appropriate safeguards for contact
4. Ensure all parties have access to the appropriate supports

Investigation Planning

5. Identify and appoint a suitable Contact Person for the Investigation
6. Identify and appoint a suitable Investigator
7. Develop an Investigation Plan using the template provided

Investigation Process

8. Gather evidence
9. Prepare for and conduct interviews
10. Record information using the Investigation Report template provided
11. Prepare the report, include investigation findings, proposed outcomes ensuring procedural process has been followed.
12. Provide report to relevant organisational staff
13. Respond to Investigation Findings

Appendix B: Investigations Checklist

Initial Actions

Respond to the initial information, ensuring the immediate safety and wellbeing of the people you support and staff is maintained, as part of your organisational duty of care. Ensure that required reporting mechanisms (e.g. Serious Incident Reporting) has been completed in a timely manner.

1. Allegation Information

- Information about where the incident took place. This may include a sketch or photograph of the location, and a description of where people, furniture and key items were at the time of the alleged incident. Date and time.

Additional information for the initial actions stage includes:

- Details and background of the location, particularly if it is a setting provided or managed by the organisation.
- Details and background of the alleged victim/s
- Details and background of the accused person/s, including:
 - How long the person has been employed/volunteered, and position held
 - Usual work hours, locations, roles, and people they have supported
- Submit Serious Incident Report

2. Police Notification

- Assess allegation for whether it may be a criminal offence.
- If yes, notify police and preserve evidence. Also follow police advice regarding further investigations.

Further information about reporting a crime to police can be found on the [WA Police Reporting a Crime website](#)

3. Accused Person removed from Situation

- Accused person has been removed from contact with the alleged victim
- If accused person is not an employee or volunteer with the organisation, reasonable safeguards are taken to prevent interactions with the alleged victim during the investigation.
- Alleged victim and legal or family guardian (if relevant) notified of the action.

4. Support Offered

- Notify legal or family Guardians of the people involved
- Ensure the accused person/s is notified that an investigation is taking place, of their rights to hear the complaint in full, right to a response, and has the opportunity to bring a support person (which can include a union representative) to interviews held as part of the investigation.
- Offer the accused person/s access to the Employee Assistance Program, if they are eligible to use this.
- Offer the alleged victim with support to access relevant professional services if needed (e.g. Sexual Assault Resource Centre - SARC).
- Offer the alleged victim assistance to arrange for a support person at any interviews required as part of the investigation. This may include a trusted friend, family member, or an advocate.

Investigations Planning

5. Identify Contact Person

- Contact Person identified and appointed.
- Contact person is made aware of their role and responsibilities.
- Relevant parties are made aware of the Contact Person's role and details.

6. Identify Investigator

- Investigator/s identified and appointed.
- Investigator is made aware of their role and responsibilities.

7. Develop Investigation Plan

- Investigator and Contact Person develop the Investigation Plan.
- CEO or senior manager within the organisation are made aware of the general details of the investigation e.g. scope of the investigation, anticipated timeframe and resources required.

Investigations Process

8. Gathering Evidence

Evidence can include anything that contributes to an understanding of the alleged incident/s, and may be used to corroborate or disprove allegations. Seek police guidance if you are unsure about an aspect of collecting and handling evidence. If at any stage of your investigation, additional evidence is encountered that relates to potentially criminal activity, it should immediately be brought to the attention of police.

Examples of evidence to consider collecting includes:

- Interview evidence from people involved
- Documents (emails, file notes, charts, digital information)
- Personal or formal notes that may indicate behavioural changes during period of alleged incident(s)
- Photographs (e.g. bruising, scratches) and video, including security footage
- Sketches or descriptions of the alleged incident/s
- Physical evidence, if available, this could include clothing, bedding or carpet, be mindful of potential for contamination and definitely do not wash these items.
- Medical and other reports
- Correspondence between worker and employer
- Policies, procedures and guidelines relevant to worker duties and expectations

9. Interview Checklist

Pre-Interview

- Purpose for each interview clearly established
- Considered potential challenges for interview, and ways to mitigate
- Preferred interviewee communication style, and any supports required
- Opportunity for a support person to be present has been offered
- Ensure support persons know what their role will involve during the interview
- Method of recording for interview (e.g. third party taking notes, typing, request for permission to record audio)
- Investigation process explained to all parties

Post Interview

- Record of interview documented and signed by relevant parties
 - People being interviewed are informed of who will next contact them, and within what timeframe, if this is required
-

10. Collate Information in the Investigation Report

- Collate all evidence and information gathered in the Investigation Report.
 - Analyse all available information and reach an Investigation Finding.
 - Contact Person and Investigator to finalise and sign Investigation Report.
-

11. Investigation Findings

- Finalised Investigation Report provided to CEO or senior manager within organisation for sign off.
 - Review Investigation Findings and determine individual outcomes for parties involved.
 - Investigation Findings, outcomes and organisational actions are communicated to relevant parties in writing including:
 - Alleged victim/s
 - Accused person/s
 - Legal or family Guardians
 - Key Witnesses
 - Person who raised allegation
-

Respond to Investigation Findings

- Meeting held with relevant parties to delegate responsibility for any required actions
- Actions, responsibilities, and timeframes are recorded (e.g. Organisation's Continuous Improvement Plan)

Appendix C: Investigation Plan

Contact Person:	Position:
Investigator:	Position:

Scope of Investigation

Use this section to record:

- Clearly defined allegation
- Authority of investigator/s to access information (including privacy requirements) and interview relevant parties
- Setting boundaries of the investigation – ensure that this is not limiting e.g. has a narrow scope, focuses on a specific issue at the expense of broader concerns, is too high level to identify specific issues and facts.
- Setting out clear principles of procedural fairness and right to reply, integrity, confidentiality, and declarations of conflict of interest

Persons Involved

Use this section to list people who are identified at this stage as being involved in the alleged incident, including:

- The alleged victim/s
- Staff member/volunteer or other parties being investigated
- Witnesses or potential witnesses (e.g. other people you support who may have witnessed the alleged incident, other members of staff present)
- Other potential alleged perpetrators
- People with additional information but who may not be eye-witnesses
- Other supporters (e.g. person's advocate, union representative)

Document what information the accused person was provided with, and how you took care to protect the confidentiality of the person/s who raised the allegation as much as possible. Key points may include:

- reason/s why the accused person is being investigated
- each allegation
- immediate and anticipated future steps that parties were advised would occur
- how procedural fairness will be adhered to, including
- people having an opportunity to present their version of events as part of the investigation
- ability to have a support person of their choosing to attend interviews as part of the investigation

Include information about any supports that will be required to ensure full participation of all of the people involved. For example, communication supports, how they will be sourced what assistance will be required.

Proposed Actions

Set out a broad description of the methodology for the investigation. Actions can be captured on the table below, if required.

It is important to set realistic timeframes to allow sufficient time to thoroughly investigate within an appropriate timeframe.

Action	Person Responsible	Expected Timeframe	Date Completed & by Whom

Potential Evidence

Use this section to identify what evidence may be important to the investigation. For example, work rosters, progress/case notes, medical records, photographs etc. Ensure that all relevant logs, records, and other evidence are collected and stored securely.

Investigation Barriers

Use this section to identify and record any potential barriers to the investigation, and measures that can be put in place to mitigate the barriers. Some examples of barriers could be:

- Over-reliance on evidence from one source
- Lack of availability of key witnesses
- Access to cultural or language supports
- Ensuring timeliness between the incident and investigation

Communications

Providers have a duty of care both to the people they are supporting, their families and staff. Everyone must be kept well informed and supported throughout the investigation process.

When there is a Criminal Investigation taking place with the police, there may be external requirements that determine where, when, and how information can be communicated with others.

The Contact Person will be responsible for communication with a range of people directly involved, as well as indirect stakeholders, subject to confidentiality requirements. Some people this may involve include:

- Family members and / or legal Guardians
- Relevant staff members
- CEO and board of management
- Other involved service providers
- Funding bodies
- Complaints / statutory bodies

It is important that in addition to offering an appropriate level of information, steps taken to ensure people's safety and wellbeing are highlighted and the details for the contact person provided.

If there is media interest or social media activity about the alleged incident or investigation, you should follow your organisation's policy and procedures. If you do not have media or social media policy, any issues regarding public statements should be referred to the Chief Executive Officer.

Appendix D: Investigation Report

Investigator:	Position:
Contact Person:	Position:

Issue

Use this section to provide a detailed description of the allegations. Attach the statement that included the allegation and a record of all actions taken as part of the initial response.

Scope of Investigation

Clearly explain the scope of the investigation – what were the key issues that were investigated, who was investigated and what were the limits to the investigation.

Investigation Methodology

In this section include information about who conducted the Investigation. Include their title, role and qualifications. Explain the process used to undertake the investigation.

Action	Person Responsible	Expected Timeframe	Date Completed & by Whom

Attach the table of actions from the Investigation Plan if this was used during the investigation.

Evidence

Attach photos, copies of documentation, and records of interviews. If there is a lot of information, it can be sorted into categories e.g. witness interviews, accused person interviews, or chronological order as obtained.

- For each piece of evidence clearly record:
- When and how it was collected
- By whom, and what their relationship was to the investigation
- Any supports provided (e.g. support people attending an interview)

When recording information from conversations and interviews, remember to:

- Be factual and objective in recordings
- Use quotations and exact words said where possible
- When there isn't exact recall indicate that "words to the effect of..." we used
- If the statement/interview is lengthy it may help to denote headings within the record

Established Information

A list of facts relating to the allegations that can be confirmed, based on the evidence gathered.

Analysis of Evidence

Provide an analysis of all the evidence gathered that demonstrates how you reach the finding. Highlight any conflicting, contradictory, or exculpatory evidence. Exculpatory evidence refers to evidence that clears a person of wrong doing. For example, someone not being on staff the day an alleged incident occurred.

Findings

Make a clear statement – have the allegations been substantiated, not substantiated or disproven, based on available evidence?

Substantiated – there is sufficient evidence the incident took place, and by whom.

Not Substantiated—insufficient evidence- there is evidence the incident occurred, but not enough evidence for a conclusive finding about how or by whom.

Not Substantiated—no evidence- there is no substantive evidence that an incident occurred.

Disproven – there is sufficient evidence to show that the incident did not occur as alleged.

Recommendations

Provide thorough recommendations that cover

- Each allegation
- Each person involved (alleged victim/s, accused person/s, legal and family guardians, witnesses)
- Consider organisational actions and corrective steps

Recommendations clearly identify how the safety and wellbeing of people you support and staff has been prioritised as part of determining the outcomes of the investigation.

Appendix E: Resources

Reporting Allegations

Department of Communities, Child Protection and Family Support

Reporting concerns about the wellbeing of a child:

[Department of Communities website](#)

Department of Communities, Disability Services

Whenever an event or set of circumstances arise involving a person with disability that is required to be reported, the head of the funded service must ensure that the matter is reported to the Commission using the Commission's Serious Incident Reporting system.

[Department of Communities, Disability Services website](#)

Health and Disability Services Complaints Office

The Health and Disability Services Complaints Office (HaDSCO) is an independent Statutory Authority providing an impartial resolution service for complaints relating to health, disability and mental health services provided in Western Australia and the Indian Ocean Territories. Phone: 6551 7600

[Health and Disability Services Complaints Office website](#)

Office of the Public Advocate

The Office of the Public Advocate (OPA) works to promote and protect the human rights of more than 65,000 Western Australian adults with decision-making disabilities. This website provides information to help families, friends, carers, health professionals, legal practitioners, primary care givers and accommodation service providers, to meet the needs of adults with decision-making disabilities.

[The Office of the Public Advocate website](#)

The National Disability Abuse and Neglect Hotline

The National Disability Abuse and Neglect Hotline (The Hotline), is a free, independent and confidential service for reporting abuse and neglect of people with disability. Anyone can contact the Hotline, including family members, friends, service providers or a person with disability. The Hotline works with callers to find appropriate ways of dealing with reports of abuse and neglect of people with disability. Phone: 1800 880 052, Email: [Work Focus Hotline Email](#).

WA Police

Criminal offences need to be reported to Police. The following link provides information on how to report different crimes to Police, and what information you need to provide. Website [WA Police, Reporting a Crime link](#)

Legislation

- Australian Human Rights Commission Act (1986)
- Carers Recognition Act 2004 (WA)
- Disability Discrimination Act (1992)
- Disability Services Act 1993 (WA)
- Fair Work Act (2009)
- Freedom of Information Act (1992)
- NATIONAL DISABILITY INSURANCE SCHEME ACT (2013)
- Occupational Safety and Health Act 1984 (WA)
- Occupational Safety and Health REGULATIONS 1996 (WA)
- Privacy Act (1988)
- Public Interest Disclosure Act (2013)

Investigations Resources

Ombudsman Western Australia

A range of tools and resources for Investigations are included on the website, including guidelines on conducting investigations.

[Ombudsman WA, Guidelines on Conducting Investigations pdf link](#)

Information and support

Aboriginal Legal Service of Western Australia

Provides legal aid services to Aboriginal and Torres Strait Islander peoples throughout Western Australia. Phone: 1800 019 900

[Aboriginal Legal Services of WA website](#)

Advocacy WA

Advocacy WA assists and supports people with disability to achieve social and individual change, empowerment, justice and human rights. Phone: 9721 6444

[Advocacy WA website](#)

Carers WA

Carers WA aims to enhance and promote carers health and wellbeing by focusing on their emotional and social support needs. Their services include the provision of specialist information and advice, resources, carer support through counselling, education / training, social support and carer advocacy and representation. Phone: (08) 9228 7400, Freecall: 1 800 242 636

[Carers WA website](#)

Disability Discrimination Unit, Sussex Street Law Centre

The DDU provides free information and advice to people who feel they have been discriminated against due to their disability. The Disability Discrimination Unit also engages in community legal education by informing people about their rights so that they can address issues relating to their or another's disability. If you would like to arrange for someone to provide your group with information on disability discrimination. Phone: (08) 6253 9500, Local Call: 1300 648 655, TTY: 9470 2831

[Sussex Community Law Services website](#)

Ethnic Disability Advocacy Centre

The Ethnic Disability Advocacy Centre (EDAC) is the peak advocacy organisation in WA and aims to safeguard the rights of ethnic people with disabilities and their families. EDAC can advocate in areas such as the justice system, health-care, education, child-care, employment, housing, transport and others. More information on individual advocacy and systemic advocacy. Phone: (08) 9388 7455, freecall: 1800 659 921

[Ethnic Disability Advocacy Centre website](#)

Explorability Inc.

An individualised advocacy agency which provides services individual advocacy for people with disability, their families and carers through Western Australia. Explorability's advocates use a person-centred approach and will support you to identify the steps to achieve positive outcomes to your advocacy goals. Phone: (08) 6361 6001, freecall: 1800 290 690

[Explorability website](#)

Individual Disability Advocacy Service (IDAS)

Sussex Street Community Law Service Inc provides advocacy services to people with disabilities, their family members and carers. Sussex Street provides advocacy services to people living in the Towns of Vincent and Cambridge and the Cities of Stirling, Wanneroo and Joondalup and in the regional areas of the Mid West, Goldfields/Esperance and the Great Southern areas of Western Australia. Phone: 1300 648 655, TTY: 9470 2831

[Sussex Community Law Services website](#)

Phoenix Support and Advocacy Services

Phoenix Support and Advocacy Services for people that experienced historical sexual abuse in childhood. They provide therapeutic services to people who have experienced intra-familial and/or extra-familial childhood sexual abuse. Phone: (08) 9443 1910, General Enquiries: [Phoenix email for further information](#)

[Phoenix Support and Advocacy Services website](#)

People with Disabilities WA

PWdWA provides non-legal advocacy to people with disability. Advocacy is the process of standing alongside individuals to ensure that people are able to speak out, to express their views and uphold their rights. Their advocacy services are available to any person with a disability. Phone: 9485 8900, country callers: 1800 193 331

[People with Disabilities WA website](#)

Sexual Assault Resource Centre (SARC)

The Sexual Assault Resource Centre (SARC) is the emergency sexual assault (rape crisis) service for Perth, Western Australia. SARC provides a 24-hour emergency service in metropolitan Perth. This involves medical care, a forensic examination and counselling support to people who have been sexually assaulted within the previous 14 days. Phone: 1800 199 888

[Sexual Assault Resource Centre website](#)

Speak up and be Safe

The Speak up and be Safe from Abuse website contains a communication kit and resources to support people with complex communication needs. Scope was commissioned by the Victorian Government to produce the resources available online. Training sessions to support use of the tools are available nationally.

[Speak up and be Safe from Abuse website](#)

Victim Support Service

The Victim Support Service is committed to promoting the rights and addressing the needs of anyone who has suffered harm from crime. The Victim Support Service provides free, confidential counselling and support services for all victims of crime. These services are provided by professional counsellors and trained volunteers. Phone: 1800 818 988

[Victim Support Service website](#)