



**OFFICE OF THE
PUBLIC SERVICE COMMISSION**

OFFICE OF THE VANUATU PUBLIC SERVICE INVESTIGATOR'S GUIDELINE



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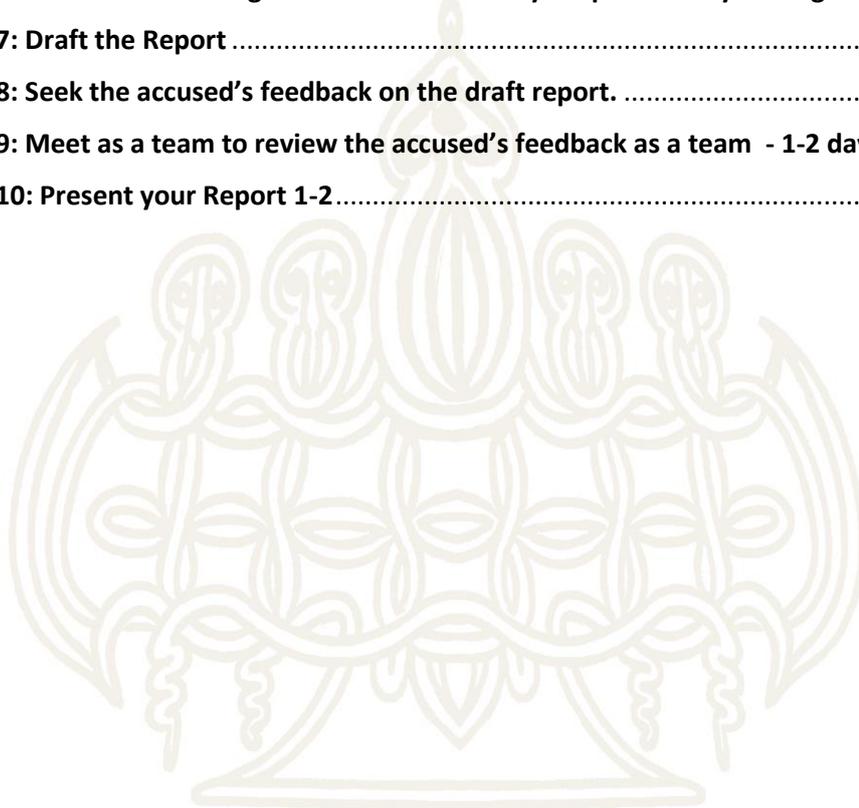


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Contents

Overview	2
Investigation Process Steps:	3
Stage 1: Undertake background research and reading – 0-3 DAYS	3
Stage 2: Interview the complainant – 2 - 4 days	3
Stage 3: Interview other people with relevant information – 3 – 4 Days	4
Stage 4: Provide all relevant information to the accused - 4 days	4
Stage 5: Interview the accused	4
Stage 6: Consider whether you require any further information / interviews – 6 Days	4
Stage 7: Meet as an investigation team to discuss your preliminary findings	5
Stage 7: Draft the Report	5
Stage 8: Seek the accused’s feedback on the draft report.	5
Stage 9: Meet as a team to review the accused’s feedback as a team - 1-2 days	5
Stage 10: Present your Report 1-2	5



Overview

Thank you for agreeing to be part of the investigation team. You have been appointed alongside a team of investigators. The expectation is that you will all participate in the investigation and aim to reach a consensus view.

The investigation must be carried out in good faith and use the principles of natural justice. This includes not jumping to conclusions but having clear evidence or reasons for any conclusions you reach.

If two people say different things about an event, you will need to test their evidence to determine who is more likely to be telling the truth. You must ensure your investigation is neutral, fair, does not take sides, and considers all the information in a balanced way. Seek out primary evidence in favour of hearsay and other unreliable evidence. Do not ignore facts because they are inconsistent with other information, instead weigh everything carefully.

We have already written to the accused and inform them about the details of the allegations against them, shared with them a copy of the investigation Terms of Reference and let them know that you have been appointed to investigate the allegations.

Your investigation must involve careful examination of all of the evidence including relevant documents, data and witness statements in accordance with the process steps set out below. You must undertake interviews with the complainant, the accused and any other key witnesses.

Following consideration of all of the information you will produce a draft report with attachments (including witnesses statements) which must then be provided the accused for them to comment. You will carefully consider their feedback and make any required changes to the report before it is provided to the Compliance and Investigation Unit (in soft and hard copy).

Please do not hesitate to contact the Compliance and Investigation team if you require any assistance. We are able to facilitate access to a vehicle, legal advice, legislation, copies of relevant policies, office space etc as necessary to undertake your role.

Investigation Process Steps:

Stage 1: Undertake background research and reading – 0-3 DAYS

- (a) Review all of the information provided to you to become familiar with the allegations.
- (b) Seek assistance from compliance and Investigation Unit (PSC) if you require clarification of the questions asked in the Terms of Reference (TOR), practical assistance or assistance in interpreting statutory requirements.
- (c) Identify the legislation, PSSRM or other policies allegedly breached.

Stage 2: Interview the complainant – 2 - 4 days

- (a) Arrange a time and place free of disturbance to interview the complainant.
- (b) Prepare a list of questions to ask the complainant.
- (c) At the beginning of the interview tell them that that the person whose conduct is under investigation will be given a copy of the interview notes.
- (d) Record the interview. This can be done electronically (if you get permission from the person being recorded) or by taking notes, or a mixture of these.
- (e) When interviewing, do not talk too much — use who, what, when, how and why questions, and then listen. When an answer is not clear follow up with clarifying questions.
- (f) At the end of an interview, ask if there is anything the person wants to ask or tell you, or thinks you should know.
- (g) Immediately after the interview write up the questions and answers given, approve the notes as a team.
- (h) Provide a copy of the notes for the complainant to sign. If the complainant disagrees with the notes and does not want to sign them, ask them to write a statement to attach to the notes but do not change the original record unless you have made mistakes in your notes.
- (i) New allegations that may arise is only to be noted and not further investigated but subject to new process.

Stage 3: Interview other people with relevant information – 3 – 4 Days

- (a) Decide who else you would like to interview based on who may have relevant information. When selecting who to interview try not to make the investigation wider than is needed, while making sure that you do not leave important questions unanswered.
- (b) Conduct interviews with all witnesses as per steps (a) to (h) above.
- (c) New allegations that may arise is only to be noted and not further investigated but subject to new process.

Stage 4: Provide all relevant information to the accused - 4 days

- (a) Provide verified copies of the evidence you have collected (photographs, texts, emails, permits, receipts etc) and the signed witnesses statements from all interviews to the accused at least 24 hours before you interview them.

Stage 5: Interview the accused

- (a) Interview the accused in line with stage 2 (a) to (h) above.

Stage 6: Consider whether you require any further information / interviews – 6 Days

- (a) An interview with the accused will often raise new evidence and you may have additional witnesses you would like to interview or want to ask further questions of people you have already interviewed. Decide whether you need to ask any follow up questions or gather additional evidence, this can be done via email or in person. You can follow up with further questions to the complainant, witnesses or accused right up until the report is finalised if needed.
- (b) If you do interview again, make sure to take notes and follow the same signing process that you did the first time you spoke to them.
- (c) If the accused declines your invitation for an interview, document copy of emails or letters sent to him/her in the annexes.

Stage 7: Meet as an investigation team to discuss your preliminary findings

- (a) Meet as an investigation team to discuss and test the evidence - aim to reach a consensus view
- (b) Agree who will be drafting the report.
- (c) The standard reporting layout should be provided by PSC Compliance and Investigation Unit to follow.

Stage 7: Draft the Report

- (a) Draft the Report ensuring it is complete, fair and neutral
 - State the allegations
 - State your findings on the allegations — a careful balanced assessment of what has been learned and whether the allegations are more likely to have been true than not
 - Include the reasons for the findings, and keep emotions or moral judgements out of the process. Have a clear link or reference back from the findings to the evidence
 - Be sure that the information you have collected supports the report findings.
 - Do not contain a decision or recommendation on how serious the conduct is or what disciplinary action should be taken
 - Exclude irrelevant information
 - Attach all relevant evidence and witness statements as annexes.

Stage 8: Seek the accused's feedback on the draft report.

- (a) Provide a copy of the draft report (with annexes) to the accused along with 3 working days to provide comment.

Stage 9: Meet as a team to review the accused's feedback as a team - 1-2 days

- (a) Review the comments made by the accused and make any changes to the report needed. Add the comments as an annex to the report.

Stage 10: Present your Report 1-2

- (a) Set up a meeting with CSU to deliver the report.

- (b) Provide an electronic copy of the report 24 hours before the meeting.
- (c) Attend the meeting and provide one hard copy of the report at the meeting.
- (d) Attend the meeting prepared to summarise the allegations, the findings on each allegation and answer any questions.

