



## Factsheet

# Respondents

From time to time, employees or volunteers within Toowoomba Catholic Schools (TCS) may be subject to an investigation into their conduct, performance or workplace behaviour. In some cases, allegations are made which, if proven, may result in disciplinary action and/or other corrective action. The person subject to an investigation is referred to as the respondent.

In all investigations, TCS is committed to implementing a process that is thorough, fair, timely and focused on resolution for all parties where possible. These processes are detailed in the TCS Investigation guidelines.

### **When will I be notified of the investigation?**

You will generally be notified of the commencement of an investigation through a private conversation with your principal, manager or supervisor. A private conversation is conducted one-on-one, and you will be provided with general information about the allegations and given the opportunity to ask questions about the investigation process.

After the private conversation, you will be provided with the specific details of the allegations in writing, which will detail the allegations and who is conducting the investigation. The letter will also specify which TCS policies, procedures and guidelines apply, and will set out the next steps in the process.

In some circumstances, you may receive the letter during the private conversation. This will depend on a number of factors, including the nature of the allegations and the information to hand at that time.

### **Do I continue to work during the investigation?**

In most circumstances, respondents will continue in their roles during the investigation process. In some circumstances, for example where the allegations are very serious or where there is a concern that the investigation process may be compromised by the respondent remaining in their role, respondents will be suspended from duty while the investigation is conducted. Respondents who are TCS employees will continue to be paid during the period of suspension.

### **Do I have the opportunity to respond to the allegations?**

TCS is committed to the principles of natural justice, which includes ensuring the investigator(s) are unbiased in the process, and that the respondent has an opportunity to respond to the allegations before any decision is made regarding an outcome.

Usually the letter detailing the allegations will set a date and time where you will be required to participate in an interview to provide your response. In some circumstances, you may be required to provide a written response to the allegations or may elect to do so as well as participating in the interview.

### **What happens in the interview?**

Investigation interviews are conducted on a confidential basis on a date, time and location that is suitable to all parties. At the commencement of the interview, the investigator will explain the interview process and any other relevant information.

The purpose of the interview is to obtain your version of events in relation to the detailed allegation(s), in as much detail as possible. You may be asked a number of questions to clarify information and will have the opportunity to ask questions of the investigator. You are encouraged to speak openly and honestly, and to answer all questions to the best of your ability.

The interview is audio recorded to ensure everything that is discussed is accurately captured. Interview recordings and transcripts are stored confidentially, and you are able to access a copy of the interview recording if requested.



### **Do I have to participate in the interview or provide a response?**

TCS employees who are respondents must participate in the investigation interview. Failure to do so would be regarded as failing to follow a reasonable direction of their employer and may result in disciplinary action being taken under the TCS Disciplinary action procedure. If you choose not to participate in the investigation process or interview, the investigator will generally make a finding based on the information to hand, including evidence from the person who made the complaint and information from any witnesses or other supporting documentation.

### **Can I bring a support person to the interview?**

Yes, you have the right to bring a support person to an interview and are encouraged to do so. A support person must not be a person otherwise involved in the investigation, for example a person who is a witness. Support persons have a clearly defined role in an interview, which is detailed in the 'Being a Support Person' Factsheet.

### **When will I be told the outcome of the investigation?**

The timeframes involved in an investigation will vary due to factors such as the number and complexity of the allegations, the number of interviews and/or sources of information that need to be considered, and the availability of parties involved in the investigation. As soon as a decision has been made regarding the outcome, you will be notified of the outcome in a letter, which is usually provided during a further conversation with your principal, manager or supervisor.

### **Can I appeal the outcome of an investigation?**

TCS investigations are conducted carefully and thoroughly to ensure that the outcome is fair, just and reasonable. However, any TCS employee who is not satisfied with the outcome of the investigation may lodge a grievance under the TCS Employee grievance resolution procedure.

### **Confidentiality**

Respondents, like any other person involved in an investigation process, are bound by confidentiality requirements. This means respecting the privacy and dignity of everyone involved in the process by

- not attempting to identify or approach the complainant(s) or witness(es) involved to discuss the investigation. Any inappropriate approach to a person involved in the investigation process will be treated seriously by TCS
- not discussing the allegations with anyone other than the investigator or your support person
- not discussing information gathered from any meeting or interview with anyone other than the investigator or your support person
- not distributing any documentation or material that forms part of the investigation process.

### **Support**

TCS recognises that any investigation process is challenging, and encourages all employees and volunteers involved in an investigation to access the support that they require. TCS offers an Employee Assistance Program (EAP) through [CatholicCare Social Services](#), a free and confidential service accessible by calling 1300 477 433. Alternatively, you can access an alternative provider of your choosing, where TCS will meet the cost of the first three sessions and further sessions with prior approval.

Please contact the Professional Standards team at the Toowoomba Catholic Schools Office should you have any additional queries regarding your rights and responsibilities as a respondent.

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### **For more information**

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