

Trauma informed and victim centric approach to workplace investigations

AIPI Conference March 2023



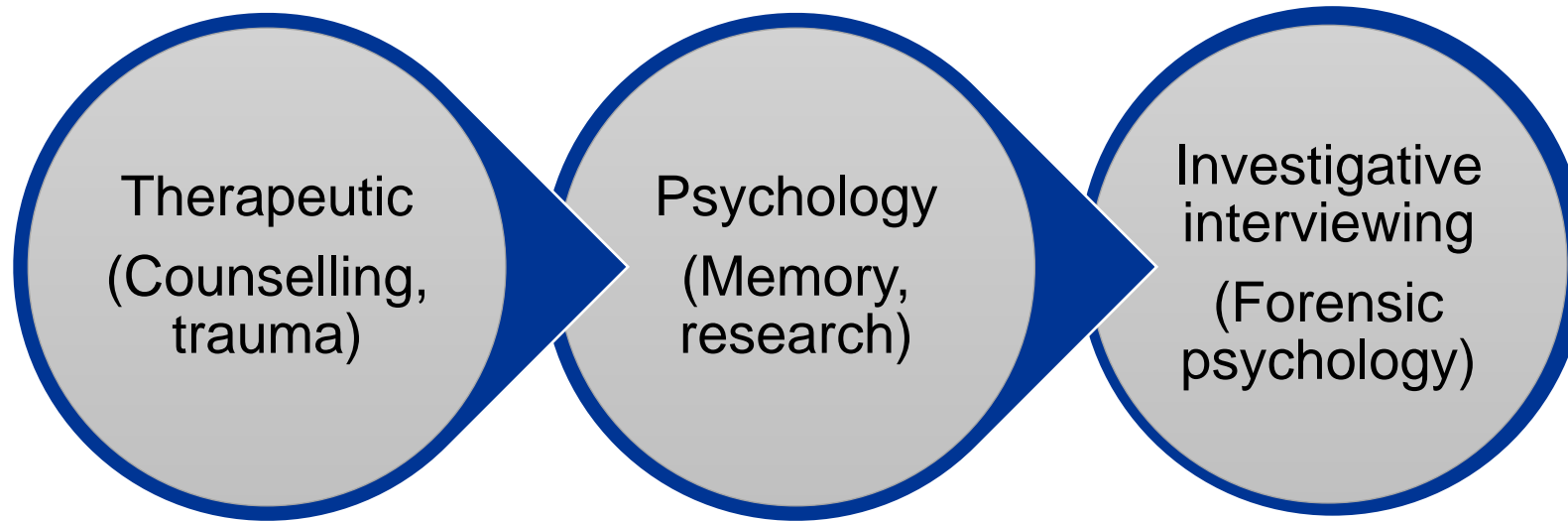
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Introduction

Challenge the status quo

- Change in mindset
- Move away from adversarial behaviour
- Take a holistic approach



*“Decisions based on incomplete or un-reliable information are likely to result in poor quality decisions...” **

*“...research across the emergency services has highlighted the need to ask the right questions, in the right manner. Thus, asking open-ended questions and developing rapport are key to gathering reliable information.”**

* R. Milne, A. Shawyer, G. Dalton, B. May, J. Nunan and R. Bull, (2020), Interviewing Adults: Communication at the Front Line, *Emergency Service Front-line*, Institute of Criminal Justice Studies, University of Portsmouth, Portsmouth, UK and University of Derby, Derby, UK

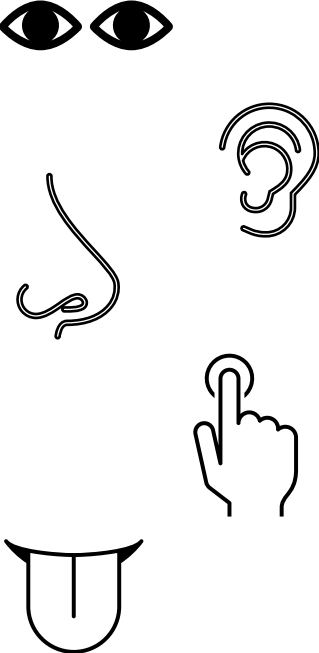
Memory

Memory – It's like snow (Prof Becky Milne)

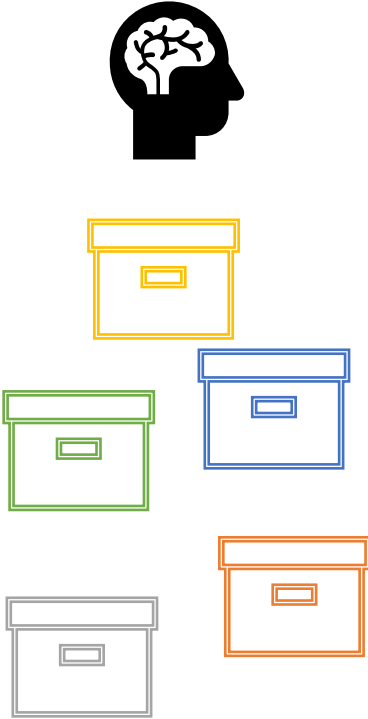


Memory – process

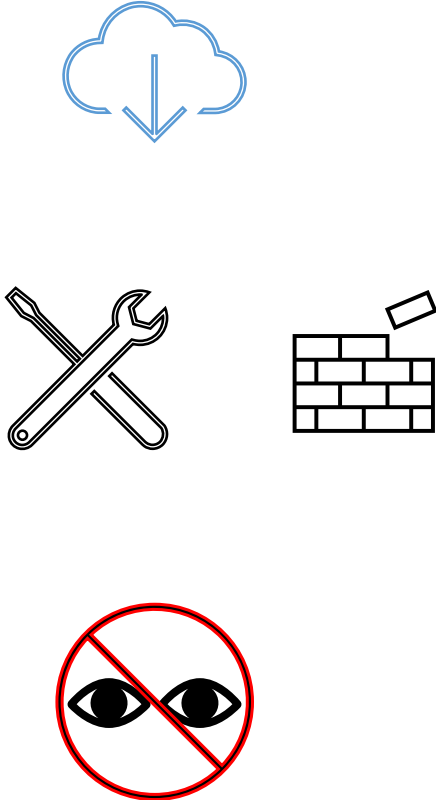
Encoding



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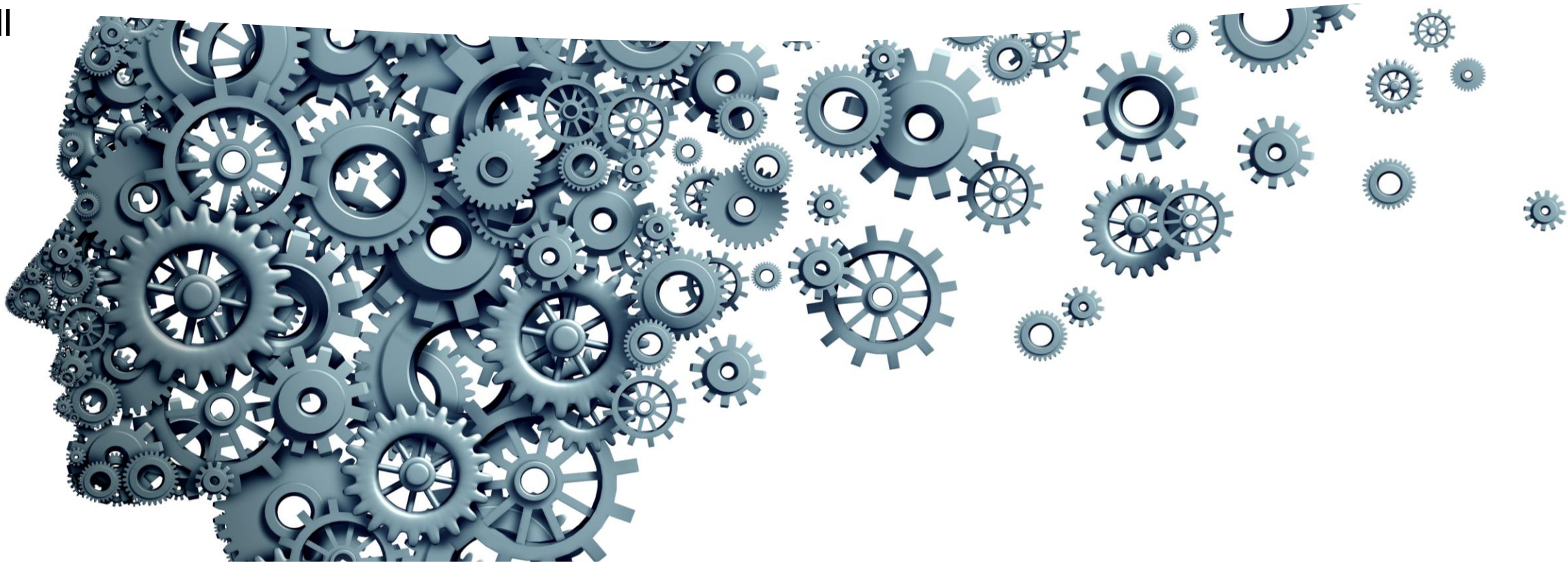


Retrieval/Recall



Memory – effects of trauma

- PTSD research and impacts on memory function
- Trauma memories more disorganised in people with PTSD or acute stress disorder
- Memory disjointedness but not poor memory recall
- Trauma can affect how memory is encoded and retrieved
- Stress and the impact on memory
- Understand that a person may not be able to give a linear recall of what's relevant



Investigator influences on memory

- Questioning techniques
 - To enhance or influence
 - E.g. leading questions versus open questions
- Vulnerable people and children
 - Open to suggestion
 - Will often just agree
 - Information during questioning can change their memory
- Interview structure
- Unconscious bias
 - Your own personal beliefs
 - Attitude to people of a different culture, skin colour, gender
 - Expectations on responses
- Confirmation bias
 - Only seeing the information that supports your own bias
 - Ignoring opposing information

What is Trauma Informed?

The paradox of trauma-informed care

TEDx Talk – Dr. Vicky Kelly



Trauma – definition

APA Dictionary of Psychology

trauma

1. any disturbing experience that results in **significant fear, helplessness, dissociation, confusion, or other disruptive feelings intense enough to have a long-lasting negative effect on a person's attitudes, behaviour, and other aspects of functioning.** Traumatic events include those caused by human behaviour (e.g., rape, war, industrial accidents) as well as by nature (e.g., earthquakes) **and often challenge an individual's view of the world as a just, safe, and predictable place.**
2. any serious physical injury, such as a widespread burn or a blow to the head. —traumatic adj.

Trauma – experiences

- Workplace trauma
 - Witnessed
 - Experienced
 - Physical and/or psychological
- Childhood trauma
 - Events that occurred in childhood impact adult behaviour
- Incident trauma
 - Eg car accident, family violence
- Vicarious trauma
 - Employer responsibility

Key points

- Trauma informed does not mean an investigator is a therapist, or assumes a therapist's role
- It means:
 - Understanding it's estimated 75% of the population may be affected by trauma in their lives*
 - People may bring that lived experience of trauma into the interview room
 - The interview experience can enhance or diminish the amount of information a person provides
 - Memory processes may have been affected by trauma

*<https://www.aihw.gov.au/reports/mental-health-services/stress-and-trauma>

What is Victim Centric?

What is Victim (Person) Centric?

- The hint is in the title
- Center on the needs of the person
- Victoria Police definition:
 - *Victim-centric is defined as the undertaking of lawful activities with an aim to prevent primary or secondary victimisation and reduce the effects of victimisation upon the broader community*
- UN Refugee Agency
 - *Victim-Centred Approach is a way of engaging with victims that prioritizes listening, avoids re-traumatization, and systematically focuses on their safety, rights, well-being, expressed needs and choices. The purpose is to give back as much control to victims as feasible and ensure empathetic delivery of services in a non-judgmental manner.*

What is Victim (Person) Centric?

- Assume victims are telling the truth
 - Approx. 95% of victims for sexual assault complaint are telling the truth, only approx. 5% are false complaints
- Believe them
 - This does not mean substantiate findings based solely on the victim's evidence
 - Let the evidence decide the outcome of the investigation
- When planning an interview and developing rapport, consider the needs of the person
 - View the process from their perspective
- Follow-up – keep in contact

Practical tools

Application to workplace investigations

- Understanding our role
- Memory recall is often the central source of evidence for behaviour and/or relationship-based misconduct
- Interview practices – impact on information retrieval
- Assume the person may be affected
- Stress and memory
- People won't divulge information unless they feel safe
- Quality investigation outcomes and the welfare of investigation participants

Application to workplace investigations

Consequences of poor interview practices

- Missing information
- Missing points of corroboration
- Dismissing a complainant when more evidence is available
- Unsubstantiated outcomes when conduct has occurred
- Stress claims
- Re-traumatising people



The Enhanced Cognitive Interview (ECI)

1. Greet and Rapport building
2. Create the context (that the interview will occur)
3. Free recall/report (context reinstatement)
4. Follow up questions
5. Retrieval strategies (reverse order, change perspective, five senses)
6. Standard interview (introduction of relevant information)
7. Interviewer's summary (check for own accuracy)
8. Closure
9. Evaluation

Question format

- Free recall
 - Tell me everything
- Listening
 - Active listening
 - Semantic v episodic memory responses
 - Avoid leading questions
- Subject planning
 - Points of proof
 - Corroboration
 - Not prescriptive question writing
- Question structure
 - Open – 5 Ws 1H
 - Open – T.E.D.S.
 - Try to avoid “Why did you do that?” or judgmental questions

Other factors

- Environment (comfortable, supportive, relevant to the person)
- Trust and safety
- Listen (and active listening)
- Be patient
- Give the witness control

Where to next?

Resources

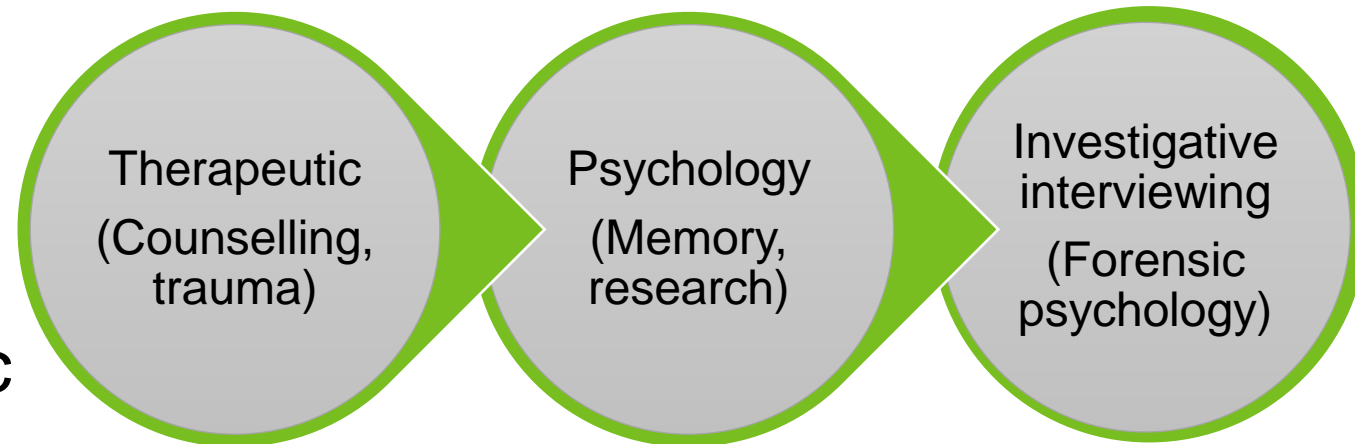
- ❖ Respect at Work website
- ❖ Blueknot Foundation
- ❖ SafeWork Australia
- ❖ Psychosocial risk
- ❖ Enhanced cognitive interview training

Openness and willingness to learn

Summing up

Challenge the status quo

- ✓ Change in mindset – move away from adversarial behaviour
- ✓ Take a holistic approach
- ✓ Trauma – be informed
- ✓ Victim centric – people centric
- ✓ Memory, ECI
- ✓ Our role as investigators



Presenter Details



Sonia Hennessy

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- Australia
- English
- Forensics

Sonia Hennessy is an investigator with more than 27 years' experience in the investigation of workplace conduct issues including bullying, sexual harassment, fraud and corruption. Sonia has led and conducted complex investigations and fraud and corruption risk management assignments across a wide range of organisations.

Prior to joining PKF, Sonia worked as a specialist workplace misconduct investigator and has worked at top tier professional services firms in both Australia and the United Kingdom. Sonia began her career as a police officer with the Tasmania Police Service, including years as a police prosecutor and detective.

Sonia also delivers a range of education programs to clients on fraud, corruption, code of conduct, conflicts of interest, psychosocial risk prevention, ethics and investigation skills and conducting investigations with a trauma informed approach.

Qualifications

- Master of Investigations (due to complete 2023)
- Graduate Diploma Employment and Labour Relations Law (due to complete 2023)
- Graduate Diploma Fraud and Financial Investigations
- Diploma in Government (Fraud Control)
- Diploma in Government (Investigations)
- Licensed Private Investigator

Areas of expertise

- Workplace misconduct and financial investigations
- Investigation and interview training
- Witness and respondent interviews
- Integrity risk management

Sonia's investigative experience includes:

- Led a large-scale bullying investigation into the conduct of a senior health professional, the alleged behaviour had spanned over approximately a five-year period. The investigation required interviewing of 18 witnesses plus the respondent. The subject employee was demoted from her position as a result of the investigation.
- Co-delivered an organisation wide bullying and harassment culture risk review for a Queensland local government organisations. Uncovering exactly where sexual harassment was occurring in the organisation, the cultural and process weaknesses that contributed to the behaviour occurring.
- Led a large-scale invoicing fraud by a local government employee. The subject was purchasing alcohol, authorising payment via the organisation's procurement systems then on-selling it. Following the investigation, he was dismissed from employment, charged by police and received a four-year term of imprisonment.

Industry Specialisations

- Not-for-profit
- State Government
- Corporates
- Local Government
- Transport
- Health and community services