

Uncovering the truth through positive persuasion

When conducting an interview in a workplace misconduct investigation, it is important to understand the fears and outside influences of the person being interviewed, and use positive persuasion which could help them to admit the truth.

Workplace misconduct can include theft, bribery, misbehaviour, harassment and other violations of the code of conduct of an organisation. If you are investigating a case of probable misconduct, you must gather evidence and conduct an interview

of the subject in order to allow them to admit to their involvement. The manner in which you conduct the interview could have a substantial impact on its outcome.



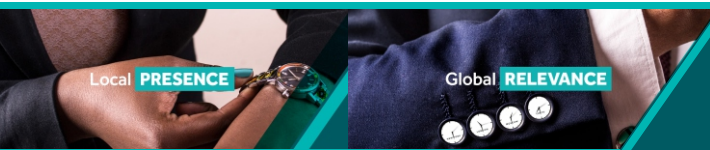
The fear factor

The interviewee may be reluctant to admit to the whole truth due to fears, such as losing their job, restitution (repaying the losses caused by the misconduct), embarrassment or social stigma, or they may be worried about their own or someone else's safety. These fears may not only drive them away from admitting to the act of misconduct but could also lead them to create a new alibi and divert the direction of the interview.

Factors that may influence someone to admit the truth

It is important to be aware of the factors that could influence someone to admit their involvement in misconduct. These may include:

- **Belief of a possible lesser penalty:** The interviewee may believe that admitting to the act of misconduct will lead to a lower penalty.
- **Threat of exposure:** The person may want to limit the possible threat of being exposed to the outside world and tarnishing their reputation.
- **Loss of defences:** The interviewee becomes overwhelmed by the evidence that you present them with.
- **Moral conscience:** The interviewee hopes that admitting to the act of misconduct will relieve them of mental pressure or the feeling of guilt.



**Closer to you,
FROM THE GROUND UP.**

Positive persuasion could be key

It is essential to understand that the person under investigation may not be a repeat offender and so the following key pointers may be critical in positively persuading the interviewee to admit to an act of misconduct.

- Defocus the fear: Move the conversation away from the interviewee's core fears. As the conversation progresses, they may relax, giving you an opportunity to guide them towards admission.
- Observe/understand the root cause: The reason for an act of misconduct may be related to need, lifestyle (greed), intelligence (to enjoy the thrill of committing a crime) or accident. The interviewee might be more forthcoming if you are able to positively enforce any of their other actions, performance or behaviour, as they become comfortable with the interviewer. For example, mentioning the charity work that they participate in, may make the interviewee calm down and get a little comfortable with the interviewer.
- Avoid promises or commitments: As tempting as it may be to reassure the interviewee, it is important to avoid providing any information about the investigation, making a commitment or a promise to excuse him of the consequences.
- Clarify whether the interviewee was involved, participated or aware: It is possible that other people may actually be responsible for the misconduct and not the interviewee. Seek the interviewee's side of the story and make your own judgement against the rest of the evidence you have gathered.
- Positively persuade the interviewee towards admission by providing alternatives: Encourage the interviewee to respond as to whether they were involved once or many times, if the incident was planned or whether it happened on the spur of the moment. Providing suggestions may help the person choose a lesser offence and feel better about themselves. This enables the investigator to get the first admission to the act of misconduct.

Adopting a structured approach towards understanding the person's fear and factors that may influence them, along with using positive persuasion is a tried and tested way to conduct an investigation interview and get the best outcome for the organisation.

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