Interview Under Caution (FAQ)

The following are questions generally asked when someone is requested to attend an interview under caution.

**Why have I been asked to attend an interview under caution?**

If you are asked to attend an interview under caution, it is because it is believed that there are grounds to suspect that you have committed a criminal offence.

This does not mean that you are guilty of an offence or that we will prosecute you; it means that the evidence that has been obtained so far suggests that you may have committed an offence.

The interview under caution is to give you the opportunity to provide an explanation of the events from your point of view. However, if sufficient evidence does emerge during the interview that you have committed an offence, you may be prosecuted.

**Do I have to attend an interview?**

No, you do not have to attend an interview; however, if you do not attend an interview, this will not prevent us from taking further action by prosecuting you in the Criminal Courts. You are advised to take the opportunity to explain your side of the story.

**Who can come to the interview with me?**

Anyone who is not connected to the investigation can attend the interview with you - this person could be a friend, a social worker, or a relative. You will have been informed on your interview letter of anybody who cannot attend with you.

**PLEASE NOTE:** The Local Authority does not have, or have to provide childcare facilities and will not interview you if you have a dependent child with you at the time of the interview.

If the person attending the interview with you is not a solicitor/legal advisor, they are with you for moral support only; they have no right to speak, to advise you, or to ask questions during the interview.

If you have a severe hearing impediment or English is not your first language (and you have difficulty in understanding and answering in English), we will provide a translator at no expense to you.

If you require an interpreter please inform the officer on your appointment letter immediately in order that arrangements can be made prior to the interview.

You can have a solicitor/legal advisor present with you. You will have to appoint a solicitor or legal advisor yourself at your own cost or your local Citizens Advice Bureau may be able to help you.

**Who will interview me?**

Education Investigation officers will interview you. These officers are specially trained to conduct this type of interview.
Sometimes we will conduct joint investigations with other agencies, if there has been a joint investigation in your case, you may be interviewed by an officer from the local authority and an officer from the other agency. If this is the case you will be informed.

**What happens at the interview?**

As soon as you enter the interview room, two audio interview CD’s will be unsealed from their packaging in front of you and will be placed into a recorder. This recorder will only recognise and record on a blank CD, they cannot be reused. The recorder will be switched on and will start to record the Interview.

Before you are asked any questions the investigating officer will explain a number of things to you, including:

- That the interview will be recorded.
- That the interview is being conducted in accordance with the Police and Criminal Evidence Act 1984 and that a copy of the Codes of Practice for the Act is available for you to consult it.
- You will be cautioned and advised of your rights (that you are not under arrest, that you are free to leave the interview at any time and that you may seek legal advice at any time).
- You will then be asked questions about the circumstances of the alleged offence. Investigation officers are not bound to accept the first answer you give, they are under a duty to try to establish the truth about what has happened.
- At the end of the interview you will be asked to sign a sticky paper seal, which will be used to seal one of the CD’s. You will be given a form explaining how you can have access to a copy of the CD, should you require one.

If new information has emerged during the interview, the investigating officer may need to make further enquiries and re-consider your case once these have been completed.

It is possible that the investigating officer will need to interview you again. If this is case a further appointment will be made for you to attend.

**What happens after the interview?**

The investigating officer will evaluate the evidence and where it is considered that legal proceedings should be initiated senior managers will scrutinise the evidence and agree or not as to a course of action, and you will be written to within 4 weeks.

**What action can the Local Authority take?**

Where there is no evidence of an offence having been committed, no further action will be taken, a letter will be sent to you to advice that no further criminal proceedings will take place.

If we write to you and advise you that legal proceedings are being initiated, you will in due course receive a summons from legal services with further advice.