

NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

STANDARDS COMMITTEE

COMPLAINT DETERMINATION SUB-COMMITTEE

COMPLAINT INVESTIGATION PROCEDURE

The Local Investigation of Complaints against Members

1.0 INTRODUCTION

- 1.1 The Standards Committee (England) Regulations 2008 provide for the local receipt, assessment, investigation and determination of complaints that Members have breached the Code of Conduct for Members (the Code), by local standards committees. The Standards Committee has established various Sub-Committees to deal with the different stages of the complaints process. The Standards Committee has also agreed local Assessment, Review and Determination Procedures to deal with the various stages of complaint handling. The Standards Committee and its Sub-Committees will also take account of legislation and the detailed Guidance issued by Standards for England in conducting these processes.
- 1.2 The Complaint Investigation Procedure deals with the conduct of investigations where it is decided by the Complaint Assessment Sub-Committee that an investigation into a complaint by the Monitoring Officer (MO) is necessary.
- 1.3 All references in this Procedure to Appendices are references to the Appendices in the relevant Standards for England Guidance Toolkit.

2.0 SCOPE OF PROCEDURE

- 2.1 This Procedure shall be followed by the Monitoring Officer or other officer appointed to carry out a local investigation (the Investigator).
- 2.2 The Procedures for the initial assessment, review, hearing and determination of complaints are set out in the procedures agreed by the Standards Committee for those purposes.

3.0 CONFLICTS OF INTEREST AND DELEGATION OF INVESTIGATION

- 3.1 MOs have various roles in relation to the Code and complaints, including advising Members about conduct issues, dealing with cases of alleged misconduct referred to them, advising subject Members, and providing advice to the Standards Committee. The MO will sometimes undertake an investigation. These roles could, in some circumstances, give rise to a conflict of interest. The MO must be mindful of the potential for a conflict to arise, and, in that event, another person should be appointed to carry out the investigation. However, an officer who has advised the Sub-Committee dealing with initial assessment of a complaint or the Sub-Committee dealing with a review decision is not prevented from carrying out an investigation.
- 3.2 By Section 82(a) Local Government Act 2000, the Monitoring Officer can delegate functions, including investigations, to their Deputy or to any other named person. The MO should inform the relevant parties when they appoint an Investigator.

4.0 CONFIDENTIALITY

- 4.1 By Section 63 Local Government Act 2000 it is an offence to disclose information obtained by an ethical standards officer or a MO during an investigation unless:
- a) the disclosure will assist ethical standards officers (ESOs) to perform their statutory functions;
 - b) the disclosure will assist the MO or Standards Committee to perform their statutory functions;
 - c) the person to whom the information relates gives permission for disclosure;
 - d) the information has already lawfully been made public;
 - e) the disclosure is made for the purposes of criminal proceedings in the UK;
 - f) the disclosure is required by a court or other similar body ;
 - g) the disclosure is to one of the public bodies listed in Section 63(1) of the Local Government Act 2000 for the purpose of their functions.
- 4.2 A draft report issued on the outcome of the investigation should be marked confidential.
- 4.3 An ESO might refer an allegation to the MO part-way through an investigation into an allegation. ESOs are allowed to disclose information they have obtained during the investigation to enable the MO to carry out his/her duties. There may be circumstances in which the ESO will be unable to disclose information. An example of this is where the Secretary of State has advised them that the disclosure would not be in the public interest.

5.0 PLANNING THE INVESTIGATION

- 5.1 An Investigation Plan should be prepared (see Appendix 1). The Plan should include:-
- a) Details of the complaint;
 - b) The paragraphs of the Code of Conduct which may have been breached;
 - c) The facts which need to be determined to establish if the Member breached the Code including:-
 - facts which would establish if the conduct happened as alleged;
 - facts which would need to be proven to show that the conduct constituted a breach of the Code;
 - facts which might aggravate or mitigate the alleged breach, for example, provocation or an apology;
 - evidence that has been supplied by the complainant;
 - how required evidence is to be obtained;
 - expected timescales for the investigation.
- 5.2 If, there are significant changes to any of the above the Investigation Plan may need to be reviewed (see Appendix 2).

6.0 DOCUMENTARY EVIDENCE

- 6.1 Documentary evidence should be sought at the earliest opportunity and before any interviews are conducted.
- 6.2 It may be helpful to invite the subject Member to provide an initial response to the allegation, in writing, when first making written contact with him/her. This gives the

subject Member the opportunity to admit to the breach, if they would like to do so. A written response from the subject Member may also provide additional useful information prior to the interview stage (see Appendix 3).

- 6.3 Requests for information should be made in writing and the Investigator should:-
- a) explain the legal authority for asking for the documents;
 - b) explain the broad purpose for which the document is needed, for example "investigation into the conduct of Councillor X". It is not necessary to provide the detail of the complaint against the Member at this stage;
 - c) outline the confidentiality requirements that relate to the information request;
 - d) set a deadline for the response;
 - e) provide a contact name and number for further enquiries.
- 6.4 If relevant evidence is held on a computer it may be necessary for the hard drive to be searched for deleted or corrupted documents. It may be necessary to employ specialists to facilitate this.
- 6.5 If the Investigator believes that evidence may be destroyed if the subject Member or another party becomes aware of a request for that evidence, or it could lead to improper collaboration by witnesses, the Investigator may consider it appropriate to meet the witness to request the relevant documents, rather than doing so in writing. The Investigator will then be able to explain the powers they have to obtain the information.

7.0 INTERVIEWS

- 7.1 Usually, the subject Member will be interviewed at the end of the investigation, when all the evidence has been gathered. This provides an opportunity for the evidence to be put to the subject Member and for his/her response to be obtained. If the subject Member and complainant have been interviewed earlier in the process, the Investigator may wish to re-interview them near the end of the investigation, which would allow them to agree facts and to comment on issues that have been raised during the course of the investigation.
- 7.2 Interviews may be conducted by telephone or face to face. It may be more appropriate to conduct face to face interviews if:-
- the matters involved are sensitive;
 - the interviewee is vulnerable;
 - multiple documents need to be referred to during the interview;
 - the interviewee wishes to have a legal representative present;
 - the interview is with the subject Member.
- 7.3 If a subject Member or witness requests a face to face interview, reasonable consideration should be given to their request. If there are medical reasons or reasons related to disability the request should be agreed or another way found to accommodate their requirements. If there is no such reason, then the decision is at the discretion of the Investigator. The decision and reasons should be recorded.
- 7.4 The Investigator should not conduct joint interviews, as it is important that each witness gives their own account. An interviewee may have a friend or adviser present, but not another witness and those present should be asked to keep the

information confidential. If the interviewee is a vulnerable person or a minor, the Investigator may wish to ensure that they are accompanied by another person.

7.5 The venue for face to face interviews should be:-

- mutually convenient;
- on neutral territory;
- in a private room where the participants cannot be overheard;
- a place where the interviewee will feel comfortable and is unlikely to be seen by people whose presence may intimidate or upset them, for example, the complainant or subject Member;
- safe for the Investigator.

It may be appropriate, in some circumstances, to conduct an interview at the home of the interviewee, where s/he requests.

7.7 If an interviewee is disabled, make reasonable provision to accommodate their requirements. If an interviewee is vulnerable or a minor, they should always be accompanied by a third party.

8.0 INFORMATION FOR INTERVIEWEES

8.1 The Investigator should provide the following information, in writing (Appendix 4):

- a) the agreed time, date and venue, and whether there is to be a telephone interview;
- b) confirmation that the interview will be recorded, if appropriate;
- c) confirmation that the interviewee can have a legal or other representative with them, but that the representative must not be a potential witness in the investigation, or a member of the Standards Committee, or an Officer of the Authority; provided always that where the interviewee is an Officer of the Authority, s/he may be accompanied by another Officer not involved in the case. It is appropriate to ask to be provided with the name and status of the representative before the interview;
- d) the legal framework within which the interview will be conducted;
- e) how the information provided in the interview may be used;
- f) the circumstances in which the information provided in the interview may be made public;
- g) the confidentiality requirements which apply to an interviewee;
- h) details and copies of any documents to be referred to during the interview;
- i) when interviewing the subject Member, details and copies of any evidence gathered which may be referred to in the report. Witness testimony does not have to be disclosed prior to the interview, depending on the nature of the testimony and whether the Investigator wants the interviewee's account prior to putting the witness testimony to them. Witness testimony may be disclosed during the interview, once the interviewee's own account has been obtained;
- j) the Investigator's contact details.

9.0 CONDUCTING THE INTERVIEW

- 9.1 Interviews should be planned in advance (Appendix 5). Important interviews should be audio recorded, where possible. Before recording an interview:-
- a) obtain the consent of the interviewee before recording the interview;
 - b) ask the interviewee to record their consent on the record before recording has started;
 - c) offer to send a copy of the transcript or draft interview statement, and, if requested, a copy the recording to the interviewee.
- 9.2 The interviewee should not usually be allowed to record the interview. This is to prevent collusion between interviewees and any possibility of record tampering. If the Investigator is concerned that the interviewee may share their transcript with other witnesses, the despatch of the transcript or recording can be delayed until all interviews have been completed.
- 9.3 Details of the stages of interview and how they should be conducted are attached at Appendix 12.
- 9.4 Evaluating the information: On completion of the interview it is necessary to:
- a) review the Investigation Plan in light of the information gathered during the interview;
 - b) review the evidence to determine whether there are any gaps in it;
 - c) take a view on all disputed relevant matters. The Investigator's opinion of the evidence is sufficient. However, if the Investigator is unable to come to a decision, s/he may need to seek further information or decide that s/he is unable to reach a conclusion;
 - d) weigh up all the evidence and conclude whether the alleged conduct occurred.
- 9.5 If it is concluded that the subject Member acted as alleged, the Investigator will need to consider whether the conduct involved a failure to comply with the Code of Conduct.
- 9.6 If it is concluded that the subject Member has breached the Code, it should be considered whether there is evidence of any mitigating or aggravating circumstances. If not, it may be necessary to seek further information.

10.0 DRAFTING THE REPORT

- 10.1 On conclusion of the investigation, the Investigator will need to write up his/her findings in a report to the Standards Committee (Appendix 8). The report must contain the following information:-
- 10.2 Title page –
- :
- a) who the report is for;
 - b) who the report is by;
 - c) the date of the report.
- 10.3 An executive summary –
- a) the full allegation and who made it;
 - b) the provisions of the Code of Conduct considered;

- c) a conclusion as to whether there has been a failure to comply with the Code;
- d) the finding.

10.4 The subject Member's official details –

- a) date of election;
- b) term of office;
- c) any other relevant authorities of which s/he is a member;
- d) details of any committees served upon;
- e) the date the subject Member ceased to be a member, where relevant;
- f) the date the subject Member signed an undertaking to abide by the Code;
- g) full details of any training the subject Member has received on the Code.

10.5 Relevant legislation and protocols –

- a) any relevant extracts from the Code;
- b) any relevant extracts from any other legislation or protocols considered in the report.

10.6 Details of the evidence gathered and the Investigator's consideration of the evidence. This should include:

- a) a summary of those who have provided information;
- b) a chronology of the facts established;
- c) undisputed facts set out as facts;
- d) where there is a disputed fact, the different views and the Investigator's conclusion on them. The conclusion should be based on the balance of probabilities. It should be stated why the conclusion has been reached;
- e) all the relevant evidence gathered even if it does not support the conclusions reached;
- f) any mitigating or aggravating factors, such as the state of mind of those involved;
- g) identification of documents referred to when referring to evidence in the evidence bundle.

10.7 A summary of the material facts, to include:-

- a) a summary of the facts needed to confirm the conclusions reached;
- b) where there is a disputed fact, the Investigator's conclusion.

10.8 The subject Member's additional submissions:-

- a) an outline of information or opinions submitted by the subject Member, which the Investigator did not consider to be relevant to the case;
- b) reasons why the Investigator does not deem information or opinions submitted by the subject Member to be relevant.

10.9 Reasoning as to whether there has been a failure to comply with the Code of Conduct in relation to each allegation:-

- a) details of which part of the Code of Conduct is being considered, with an explanation of the test being applied when determining whether there has been a failure to comply with the Code;
- b) a detailed, reasoned explanation for the conclusion as to whether or not the conduct constitutes a breach of the Code;
- c) new facts or opinions should not be introduced at this stage, only evidence or opinions that have been outlined earlier in the report.

The explanation of the test applied, and the reasons for the conclusions, should be detailed and clear enough to enable understanding by a person without a legal background.

10.10 Findings: The Investigator should make a finding about each alleged breach of the Code, outlining in detail the reason for the decision and referring to aggravating or mitigating facts, (which must be outlined in the facts section earlier in the report).

10.11 The Schedule should contain:

- a) a list of the exhibits entitled 'Evidence Taken into Account' (Appendix 9);
- b) all the evidence relied upon when reaching a conclusion;
- c) in complex cases, a chronology;
- d) a list of unused material.

10.12 The draft report should be sent to the subject Member and the complainant, inviting their comments by a specified date. This is helpful where the report is complex or the conclusions are likely to be disputed by either party. The draft should not be sent to other witnesses or parties interviewed, but confirmation of their evidence can be sought from them before the report is issued.

10.13 The draft report should be clearly marked as 'Draft' and it should be made clear that it may be subject to change and does not represent the final conclusion. If the subject Member is found to be in breach, the draft report should be accompanied by copies of the evidence relied upon in reaching this conclusion. Consideration should be given as to whether any of the information in the draft report, or evidence bundle, is confidential information which should not go into the public domain e.g. medical details, or personal contact details. Such information should be edited from the draft and final report unless it is essential to the reasoning.

10.14 The accompanying letter should state (Appendix 10):

- a) that the report is confidential
- b) that it can be discussed with a legal representative
- c) the date by which comments must be received

A copy of the draft and the bundle of evidence sent to the subject Member should be kept.

10.15 Comments may be received on the draft and result in the following:

- a) Responses to the draft may reveal the need for further investigation, or they may add nothing of relevance. Occasionally, responses may reveal a need for further investigation and may result in changes to the report. These changes may be significant enough to consider issuing a second draft.
- b) Once the Investigator has considered whether the responses add anything of substance to the investigation, s/he will be able to make final conclusions and recommendations.
- c) Where comments on the draft are critical of the investigation or the Investigator, considerations should be given to how to respond to the complaints made.

Such criticisms should not prevent a draft report being finalised unless it is unavoidable. In particular, the investigation process, including writing the report, should not be suspended while a complaint about the investigation is dealt with. The only exemption to this is in the circumstances referred to in paragraph 12 in relation to complaints about the investigation.

d) A party may disagree with:-

- the interpretation of the Code or other legislation
- the analysis of the evidence
- the analysis of an individual's conduct
- conclusions reached in an investigation
- the scope of the investigation
- how and who evidence was obtained from

10.16 In relation to comments received before the draft is issued:-

- a) if the comments are made by the subject Member, respond in writing;
- b) if the subject Member does not understand either the Code or the investigative process, then seek to explain the position to them. Failure to do so may be taken into account at any subsequent hearing. However, the Investigator only needs to show that s/he took all reasonable steps to address the subject Member's confusion;
- c) if comments are made by the complainant or a third party, either respond to their comments or ask them to wait until they have read the draft report.

10.17 In relation to comments received in response to the draft report:-

- a) keep a written record of consideration of any comments received on the draft;
- b) provide a written response to the party explaining the Investigator's position or referring them to the relevant paragraph of the report. This can be done in sending the final report;
- c) include in the evidence bundle any critical comments received on the draft.

10.18 If comments are received after the final report has been issued, the party involved should be written to with an explanation that the investigation is now closed and referring them to the person who is dealing with the Standards Committee hearing, or to the Adjudication Panel for England if the matter is being handled at that level.

10.19 If comments are received after the hearing:

- a) a response should be sent indicating that the matter is now closed and no further correspondence will be entered into on the specifics of that case;
- b) any complaints about the conduct of Investigator should be dealt with in the same way as other service complaints.

10.20 The final report must be sent to:

- a) the Standards Committee (or Sub-Committee);
- b) the subject Member;
- c) the standards committee of any other authority, other than a parish council, of which the subject Member is a member, if requested.

A copy may also be made available to the complainant and others as part of the hearing process (eg to the clerk of any relevant town or parish council where the Sub-Committee decides at a consideration meeting that a hearing is appropriate).

- 10.21 The final report should state that it contains the final finding and will be presented to the Standards Committee (or Sub-Committee).
- 10.22 If the subject Member has been found in the report to be in breach of the Code s/he should be provided with copies of the evidence relied upon when reaching this conclusion.
- 10.23 It should be considered whether any of the information in the report or evidence bundle is confidential information that should not go into the public domain. For example, medical details, personal contact details or signatures. All such information should be edited from the final report unless it is essential to the reasoning.
- 10.24 An accompanying letter should be sent (Appendix 11) stating:-
- a) that some aspects of the report are confidential;
 - b) that the comments they made in response to the draft report have been considered and the final report amended where appropriate;
 - c) that it can be discussed with a legal representative.

11.0 THE BUNDLE OF EVIDENCE

- 11.1 Two evidence bundles should be prepared. These should comprise one bundle of evidence used, which is to be submitted in full to the Standards Committee (or Sub-Committee) or the Adjudication Panel for England (if applicable). The other should contain a Schedule of Unused Evidence. The Investigator may be required to submit documents from this bundle if they are requested by the Standards Committee (or (Sub-Committee) or the subject Member.
- 11.2 The evidence bundle will typically include:-
- a) Documents which establish the legal framework for the investigation such as:
 - the complaint letter;
 - the Authority's Code of Conduct;
 - a copy of any legislation referred to in the report;
 - a copy of the subject Member's Undertaking to comply with the Code of Conduct.
 - b) Any document which has been relied upon when reaching the Investigator's decision, such as:
 - transcripts, interview records or interview statements with all relevant parties and interviewees;
 - written correspondence from the subject Member on substantive matters, including comments they made on the draft report;
 - minutes, reports and other documentary evidence upon which the Investigator has relied when reaching his/her conclusion as to the facts.
 - c) Any document which would assist in the subject Member's defence, such as:
 - any document that the subject Member may seek to rely on in their defence of the conclusions reached;
 - documents which contain information that is inconsistent with the facts as established by the investigation;
 - documents which raise questions about the accuracy of any of the evidence, including the reliability of witnesses;

- documents containing information which could lead to a finding that the Standards Committee or Investigator has acted in breach of the subject Member's rights under the Human Rights Act 1998;
 - documents which provide an explanation or partial explanation of the subject Member's actions.
- d) Background documents: These are documents which the Investigator did not rely upon when reaching his/her decision, but which may be helpful to the Standards Committee (or Sub-Committee) when considering the case. They should also include documents that the subject Member thinks are relevant but which are not, in the Investigator's opinion, material to the case.
- e) A list of unused evidence: This is a list of the documents that the Investigator believes are irrelevant to the investigation. The Investigator should provide sufficient detail about each item so that the Standards Committee (or Sub-Committee) or subject Member can request the documents if they consider it appropriate. It is not necessary to prepare a bundle of the unused evidence.
- f) There is no need to disclose:
- sensitive information which the Investigator has edited or deleted;
 - information protected by legal professional privilege and public interest immunity;
 - internal documents such as file notes and draft reports. However, these may be requested by the Standards Committee (or Sub-Committee), so it is important to be sure that these are precise and clear.

11.3 The bundle should begin with the documents which establish the legal framework for the investigation. The remaining evidence should then be grouped thematically, for example policy documents or minutes. Arrange the documents chronologically within their group. If a document is missing, provide a note to this effect to the Standards Committee outlining the reasons why the document is unavailable.

11.4 Information which should be deleted from the bundle will depend on its nature and the circumstances. Consideration should be given to whether it is appropriate for certain types of information to be in the public domain. Consideration should be given as to whether to remove the following:

- a) a telephone number, address, email address, or signature of any person other than on a transcript or witness statement. This is personal data as defined by the Data Protection Act 1998. While the Standards Committee (or Sub-Committee) may need witness contact details, these should still be deleted from any documents and provided as a separate list to the Committee;
- b) age and date of birth of a party (unless directly relevant to the case);
- c) information which relates to matters which were not referred for investigation;
- d) other personal data as defined by the Data Protection Act 1998;
- e) items such as petitions, legal advice and the evidence of vulnerable persons may need to be deleted on a case by case basis. Legal advice should be sought if there is any doubt.

12.0 COMPLAINTS

12.1 It is important that there is a clear documented procedure for considering complaints about the investigation. The procedure should fall into two discrete stages, firstly, an evaluation of the nature of the complaint, and secondly, what action should be taken to handle it.

12.2 There are two types of complaints:-

- a) complaints about the conduct of the investigation (service complaints);
- b) complaints about the interpretation and reasoning in the Investigator's report.

12.3 Service complaints occur when a party criticises the actions of an Investigator. Such criticisms may include:-

- a) administrative errors, for example misspelling a name;
- b) failure to communicate;
- c) criticism of the manner in which the Investigator behaved ;
- d) criticism of the length of time it took to conclude the investigation.

The Authority has a Complaints Procedure for dealing with service complaints, which should be used when dealing with service complaints about an investigation.

12.4 The investigation can continue while a service complaint is being addressed. However, there may be circumstances where the complaint is so substantive that it would not be appropriate for the same Investigator to continue on the case while the service complaint is ongoing. Such circumstances should be very rare. An investigation into a service complaint should not postpone the conduct of the main investigation.

12.5 Complaints of the type referred to in paragraph 12.2 b) above relate to subjective judgements made by the Investigator as part of the standards regime process and should therefore be dealt with under the appeal processes set out in the ethical framework.

13.0 TERMINATING INVESTIGATION BEFORE COMPLETION

13.1 It may not always be in the interests of good governance to undertake or complete an investigation into an allegation of misconduct. In some circumstances it may be more appropriate to deal with matters by taking other action. This decision may only become clear after some investigation has been conducted. In such cases, the matter should be referred back to the Standards Committee (or Sub-Committee). It is important to be aware that once a programme of other action has been embarked upon the investigation cannot be re-opened, even if other action fails. The decision to take other action closes the opportunity to investigate. This should be communicated clearly to all parties.

13.2 The Standards Committee (or Sub-Committee) has very broad powers to direct the MO to deal with cases. The following are some alternatives to investigation:-

- a) mediation or conciliation – either between parties or involving the community to a greater or lesser extent;
- b) training;
- c) review of lessons learnt from the case;
- d) peer mentoring;
- e) review of protocols, standings orders or registers of interest.

13.3 If the Standards Committee (or Sub-Committee) decides to take other action, the parties should be advised that no conclusion has been reached about whether the subject Member failed to comply with the Code of Conduct.

The stages of interview and how they should be conducted

A At the start of the interview:-

- 1) When the interviewee arrives, put him/her at ease.
- 2) Inform the interviewee that there is a standard interview preamble to be followed (Appendix 6)
- 3) If the interview is to be recorded, confirm that it will be recorded and put the recording device in a visible place on the desk.
- 4) With the interviewee's permission start recording.
- 5) Ask him/her to confirm for the record that s/he consents to the recording.
- 6) Confirm for the record the identity of the Investigator, and the powers under which the interview is being conducted.
- 7) State the date and time for the record.
- 8) Ask the interviewee to confirm that s/he has received the letter outlining the arrangements for the interview, has read and understood it and ask whether s/he has any questions about it.
- 9) If the interview is with the subject Member, repeat orally all of the information contained in the letter.
- 10) If the interviewee is unclear about anything, repeat orally all of the information contained in the letter.
- 11) Explain that s/he can take a break on request.
- 12) Explain that a break will be offered if the interview goes over an hour in any event.
- 13) Estimate how long the interview is likely to take and ask if s/he has a time by which it needs to end.
- 14) Explain that s/he can ask for a question to be rephrased if s/he does not understand it.

B During the interview:-

- 1) Start the interview with the subject Member with some background questions, for example 'how long have you been a member', or 'what training have you had on the Code of Conduct?'
- 2) Do not ask multiple questions. Ask one question at a time, and do not ask another question until the interviewee has answered your first question.
- 3) Do not dart back and forth between different issues.
- 4) Tackle one subject issue at a time.

- 5) Ask open questions about information the interviewee or other witnesses have provided about the issue.
- 6) Drill down. Ask open questions about a specific issue until all the information needed on it has been obtained.
- 7) Where relevant ask the interviewee to reconcile differing accounts.
- 8) Ask closed questions to confirm the information that has been obtained about the specific issue.
- 9) Move onto the next issue using the same method.
- 10) If interviewing with someone else, the first interviewer should ask the open questions about each subject area. The second interviewer should then pick up on points to be clarified at the end of each subject area and ask closed questions to confirm what was said.
- 11) Do not ask leading questions.
- 12) Do not ask the interviewee to speculate.
- 13) Accurately put the evidence of other interviewees to the interviewee and ask for their response.
- 14) When asked, explain the relevance of the question.
- 15) Do not allow the interviewee's lawyer or representative to answer a question.
- 16) Allow the interviewee to stop and obtain advice whenever they choose.
- 17) If the interviewee becomes upset or unwell offer them a break.
- 18) Never use a raised voice.
- 19) Only interrupt if the interviewee is being unreasonable or is not providing relevant information.
- 20) Be mindful of avoiding oppressive or repetitive questioning. If an interviewee will not properly answer a question, despite significant attempts to obtain a satisfactory response, move on to another point or issue.
- 21) Do not question the subject Member about matters which fall outside the scope of the original allegation.
- 22) If the interviewee wants a break, record the time of the break on the record and the time the interview is resumed. Ask the interviewee to confirm for the record that nothing was discussed about the case with them during the break.

C Closing the interview:-

- 1) State the time the interview finished.
- 2) Thank the interviewee for their time and outline what will happen next.

D After the interview:-

- 1) Send the interviewee a copy of the transcript.

- 2) State in the letter that if there is no response from them by a specified date, it will be assumed that the transcript is agreed.
- 3) If the content of the transcript is disputed, check the discrepancies against the recording.
- 4) If the transcript is confirmed by the recording, write to the interviewee to inform them of this. In these circumstances, when the matter is referred to the Standards Committee, submit the transcript, the recording, the interviewee's letter outlining the dispute, and your response.