

# The Interview Under Caution

If you have a severe visual or hearing impediment, or English is not your first language, please contact the council before the interview to enable is to make appropriate arrangements to assist you.

## Legal Rights

### NOTICE TO PERSONS BEING INTERVIEWED

- This interview is being conducted in accordance with the Code of Practice for the treatment and questioning of persons by Local Authority staff when investigating offences, which has been prepared in accordance with the Police and Criminal Evidence Act 1984.
- The interview us to enable you to offer an explanation of the facts if you wish to do so, 'though should evidence of an offence emerge, you may be prosecuted.
- **You do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.**
- You are not under arrest or detained here; you may leave at any time during the interview. If the officer is conduction the interview in your home, you may ask him/her to leave,
- You may have a friend with you if you wish
- You may have a solicitor and/or an interpreter with you. If you choose not to have a solicitor present but decide during the interview that you want legal representation then we can suspend the interview to give you time to arrange this.
- You may seek legal advice wither in person or by telephone.
- A copy of the Police and Criminal Evidence Act Code of Practice is available if you wish to refer to it.

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## Information Leaflet

# The Interview Under Caution

(If you have been asked to attend an Interview under Caution, it is important that you read this leaflet)



**South  
Staffordshire  
Council**

[www.sstaffs.gov.uk](http://www.sstaffs.gov.uk)

## ***What is this leaflet about?***

This leaflet will help you understand the Interview under Caution process.

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

The council has asked you to attend an interview under caution because it believes that you may have committed a criminal offence.

This does not mean that the Council believes you are guilty and will prosecute you, but it means that there is evidence that the council has obtained that suggests that you may have committed an offence.

The interview is your opportunity to offer an explanation of the events that have occurred, if you wish to do so, should evidence emerge during the interview that an offence has been committed then a prosecution or other means of sanction **could follow**.

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

No, you don't have to attend an interview; however if you do not attend the interview this will not prevent the Council from taking further action such as prosecuting you in the criminal court.

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

You can come to the interview with anyone you wish.

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, but, **not** a Husband, Wife or partner as we may need to interview them as well depending what is said at the interview.

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

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

**PLEASE NOTE:** The interview may be more formal to those that you have had before in that it will be recorded on tape.

We do not have any child care facilities and therefore if you do have young children it may be easier to make arrangements for them to be looked after by a friend or relative whilst you attend the interview.

## ***Who will interview me?***

You will usually be interviewed by one or two of the Council's Benefit Investigations Team. They have been specially trained to conduct these types of interviews. An interpreter may also be present.

Sometimes the Council will conduct joint investigations with other agencies, such as the Department for Work and Pensions and Her Majesty's Revenues and Customs. If there has been a joint investigation in your case, you may be interviewed by an officer from the Council and an officer from the other agency. If this is the case it will be made clear to you at the time of the interview.

## ***What happens at the interview?***

At the beginning of the procedure, two sealed audio cassette tapes will be given to you. You will be asked to check that the seal is unbroken. The seals will then be broken in your presence and placed in the tape recorder. The recorder will be switched on and the interview will be recorded from start to finish.

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

- That the interview is being conducted in accordance with the Police and Criminal Evidence Act 1984 and that a copy of the Code of Practice for the Act is available for you to consult.
- You will be cautioned and advised of your rights (That you are not under arrest and are free to leave the interview at any time and that you may seek legal advice at any time).
- Why you have been asked to attend the interview under Caution.
- They will ask whether you want to continue with the interview.

You will then be asked questions about your benefit claim. The Council's officers are not bound to accept the first answer that you give but are under a duty to establish the truth about what has happened.

At the end of the interview you will be asked to sign a paper seal which will be used to seal one of the audio cassettes that has been used to record your interview. You will be given a form explaining how you can have access to a copy of the tape.

You will also be given an information leaflet about what will happen next.

## ***What action can the Council take following the interview?***

The Council may decide after the interview that there is no case to answer and the matter will then be closed.

Alternatively there are three other courses of action that the Council can choose to take depending on the outcome of the interview.

- Formal Caution
- Administrative Penalty
- Prosecution

You will be told in writing and at the earliest opportunity of the Council's decision.