

# Orkney Islands Council

## What happens at an Interview Under Caution?



### Interview Under Caution

The Council may ask someone to attend an Interview under Caution if it believes that there are grounds to suspect that Housing Benefit - and prior to 1 April 2013, Council Tax Benefit - to which there is no entitlement.

It does not mean that the Council believes that someone is guilty of a criminal offence; simply that evidence has been gathered that suggests irregularities with a benefit claim.

The interview is to give someone the opportunity to provide an explanation to the irregularities that have been identified. However, if during the course of the interview evidence emerges that someone has committed a criminal offence the Council will consider appropriate sanctions including a possible prosecution.

In order to protect a person's rights it is likely that the interview will be taped.

### 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, including submitting the case for prosecution.

### 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, a relative or a Solicitor.

You may wish to seek advice from someone before the interview such as a Solicitor, the Citizens' Advice Bureau or other similar organisation.

If you choose to bring someone with you they are there for moral support only. They have no right to speak or to ask questions during the interview.

### Who will interview me?

You will usually be interviewed by two members of the Council's Benefits Team who have been specially trained to conduct these interviews.

Sometimes the Council will conduct joint investigations with other agencies such as the Department for Work and Pensions. 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?**

When you enter the interview room two cassette tapes will be unsealed from their packaging in front of you and will be placed in a tape recorder. The tape recorder will be switched on and an alarm will sound until the tape is ready to start recording.

Before you are asked any questions the Council's officers will:

- Identify themselves to the tape;
- Ask you to state your name, date of birth and address for the tape; and
- Caution you and advise you of your rights.

You will then be asked questions about your benefit claim. The officers are not bound to accept the first answer you give them but 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 witness one of the tapes being sealed and you will be asked to sign the seal.

You are free to leave the interview at any time or to request the opportunity to seek legal advice.

## **What happens after the interview?**

We will use the facts established at the interview, and any other relevant evidence, to decide how we will take the investigation forward. You will be notified as soon as possible of any further action which will be taken.

## **General Information**

This leaflet is intended to provide only outline guidance about why the Council may consider asking someone to attend an Interview Under Caution.

## **Where to get help and advice**

If you are asked to attend an Interview Under Caution we strongly recommend that you seek independent advice regarding the matter. Advice is available from:

Orkney Citizens Advice Bureau, Anchor Buildings, 6 Bridge Street, Kirkwall, Orkney, KW15 1HR.

Tel: 01856 875266

For further information contact the Council's Benefits Team, Orkney Islands Council, Council Offices, Kirkwall, Orkney, KW15 1NY

Tel: 01856 873535 Ext: 2130

Tel: 01856 886320 (Direct Dial)

Fax: 01856 878074

Email: [benefits@orkney.gov.uk](mailto:benefits@orkney.gov.uk)

website: [www.orkney.gov.uk](http://www.orkney.gov.uk)

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