

## GUIDANCE FOR THOSE INVITED FOR INTERVIEW ABOUT MATTERS UNDER INVESTIGATION

### 1. REASON FOR THE INTERVIEW

- 1.1 The Commission has decided that it is appropriate to investigate an allegation about which we believe you may have evidence or information that will assist us. For this reason we wish to interview you.
- 1.2 The purpose of the investigation is to establish and clarify the facts, before deciding what enforcement action, if any, would be appropriate.
- 1.3 You are invited to attend the interview voluntarily and you are not compelled to attend. We do however have the power to require individuals to attend an interview in certain circumstances.

### 2. PRIOR TO THE INTERVIEW

- 2.1 At least 7 days before the interview, we will send you, and your legal representative if you have appointed one, details of the issues we are investigating. We will also disclose to you at that stage any documents we propose to refer to during the interview.
- 2.2 You will be allowed to have a legal representative with you at interview or alternatively will be allowed to have a friend present. However, that adviser or friend should not be anyone who has had a direct involvement with the matters under investigation and whose presence at your interview might therefore compromise the investigation.
- 2.3 Please let us know at least 7 days prior to the interview if you intend to be accompanied and supply the name and contact details of that person.
- 2.4 The interview will take place at a mutually agreed venue. Interviews are conducted in private and it is important that the chosen venue is one which is appropriate to the purpose and one at which we will not be interrupted or overheard by others.
- 2.5 If you, or your legal representative or friend, have restricted mobility or a visual or hearing impairment for which we need to make provision, please let us know at least 7 days prior to the interview in order that we can ensure that any appropriate arrangements are in place for the interview.

- 2.6 We will write to you before the interview to confirm the date, time and venue. In that letter, we will let you know the names and job titles of those who will be conducting the interview. Normally two members of staff of the Party and Election Finance Directorate will conduct the interview.
- 2.7 If we require you to attend for interview at the Commission's offices in London or at a venue some distance from your home, we will meet your reasonable expenses in attending the interview.

### **3. AT THE INTERVIEW**

- 3.1 Interviews are conducted in confidence and the content of the interview must not be disclosed by you or by any friend accompanying you, except that you may disclose details to your appointed legal adviser if he/she was not able to be present at the interview.
- 3.2 It is not always possible in advance to determine with accuracy how long an interview will take. However, if at any point during the interview, you, your legal adviser or friend wish to take breaks, please let the interviewers know and this can be arranged. The interviewers may themselves also wish to take breaks during the interview. In any event, if an interview is likely to take longer than one hour, a short break will always be offered after 60 minutes have elapsed, unless the interview is at that point very close to completion.
- 3.3 Subject to your consent, the interview will be recorded electronically.
- 3.4 If you do not give your consent for the interview to be recorded electronically, one of the interviewers will take hand written notes of the interview.
- 3.5 Although you may decide to be accompanied by a legal representative or friend at the interview, he/she may not answer the questions put to you. In the interview, a friend is present to offer you general support by his/her presence. Your legal representative may, of course, offer you legal advice or take instruction from you during the interview. If your legal representative wishes, he/she may ask for a break during the interview for the purpose of retiring to give you legal advice or to take instruction from you.
- 3.6 At the start of the interview, the interviewers will set out how the interview will be conducted and give you an opportunity to ask any questions about the procedure to be followed.
- 3.7 At the end of the interview, the interviewers will afford you an opportunity give any evidence or information that you have not had an opportunity to present in response to their questions and which you wish to place on record.

#### **4. AFTER THE INTERVIEW**

- 4.1 If the interview has been recorded, we will send you a transcript of the interview or a statement prepared from it. If you request one, we will also send you a CD of the recording.
- 4.2 If the interview was not recorded, the notes taken by the interviewer will be typed up and a copy provided to you. Subject to our agreeing any requests you make for amendments in accordance with your recollection of the interview, you will be asked to sign a copy of the notes as being a fair and accurate record of the interview.
- 4.3 The interview transcript, statement taken from it, or interviewer's notes will be used to help us prepare a report or decision letter at the conclusion of the investigation. Information given by you at interview may be cited in the report or decision letter and the source of that information may be disclosed in our report or decision letter. Information obtained at interview may also be referred to in a case summary we will publish, in accordance with our published disclosure policy.
- 4.4 The transcript, statement or notes will be sent to you in confidence and they may not be disclosed to anyone, other than for the purpose of seeking professional advice on the matter. We ask that you seek our consent for any such disclosure, before doing so.
- 4.5 We will not disclose the content of the interview record except for the purpose of reporting on the outcome of the investigation (4.3 above) or to do so for the purpose of a criminal investigation or Court proceedings or if required to do so by law.