



# Explaining Interviews Under Caution

The Moray Council has asked you to attend an Interview under Caution because it believes that there are grounds to suspect that you obtained Housing Benefit and/or Council Tax Benefit to which you were not entitled.

This does not mean that the Council believes at this point that you are guilty of a criminal offence; it is simply that evidence has been gathered that identifies irregularities with your claim. The interview you are being asked to attend is to give you the opportunity to provide your explanation of events.

If following the interview, the evidence shows that you have committed an offence, your case may be referred to the Procurator Fiscal for consideration of criminal proceedings or an alternative sanction offered.

## **What will happen if I fail to attend an interview?**

If you fail to attend an interview without a good reason it will not prevent the Council from taking further action, including referral of your case to the Procurator Fiscal.

## **Should I obtain Legal Advice?**

You may wish to seek legal advice before you come to the interview or you may wish to have a Solicitor or Legal Advisor present with you at the interview. You can seek legal advice from a Solicitor or Legal Advisor yourself or your local Citizens Advice Bureau may be able to help you.

The Moray Council will not help with the cost of legal advice.

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

Anyone who is not connected to the investigation can attend the interview with you; the person could be a friend, a social worker, or a relative. If you choose to bring someone with you they are there for moral support only. They have no right to speak, advise you or to ask questions during the interview.

## **Who will interview me?**

Two officers will interview you. They will usually both be from The Moray Council. These Officers are specially trained to conduct interviews under caution.

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?**

The interview will take place under caution and will be tape recorded. Before you are asked any questions the Officers will explain how the tape machine works and unseal two cassette tapes from their packaging in front of you which will be placed into the tape recorder. The tape recorder will be switched on and an alarm will sound until the tape is ready to start recording the interview.

Before you are asked any questions the 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 be advised that you;

- Are not under arrest
- Are free to leave the interview at any time
- Can request the interview is suspended to enable you to seek legal advice.

You will then be asked questions about the matter under investigation. The Officers are not bound to accept the first answer you give them but are under a duty to try to establish the facts about what has happened.

At the end of the interview you will be asked to sign a label which will be used to seal one of the tapes.

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

The facts established at the interview, the evidence obtained during the investigation and any other relevant information will be used to decide how the investigation will be taken forward.

At the end of the interview you will be issued with a fact sheet which explains what could happen.

### **Please note**

You will need to look at various documents during the interview so you should bring any reading glasses with you.

The Moray Council is unable to provide childcare facilities.

If English is not your first language we will provide an interpreter. Please contact the office as soon as possible so that this can be arranged.

If you are unable to attend the office or are unfit to be interviewed due to medical reasons, please contact us.

The Moray Council, Benefit Fraud Team, High Street, Elgin, IV30 1BX

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Fax: 01343 563406

For alternative formats, languages or further information, please ask an English speaking friend or relative to:

Jeżeli chcieliby Państwo otrzymać informacje w innym formacie, języku lub dodatkowe informacje, mówiący po angielsku znajomy lub członek rodziny może do nas:

Para outros formatos, idiomas ou para obter mais informações, peça para um amigo ou parente que fale a língua inglesa entrar em contato conosco:

如要索取其他的版式、各種語文的翻譯本，或需要更詳細的資訊，請叫一位會說英語的朋友或親屬與我們聯繫：

Phone: 01343 563319

Email: [equalopportunities@moray.gov.uk](mailto:equalopportunities@moray.gov.uk)

Write to: Project Officer (Equal Opportunities), Chief Executive's Office  
High Street, Elgin, IV30 1BX