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| Title | Demonstrate interviewing skills for compliance investigations | | |
| Level | 5 | Credits | 15 |

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| Purpose | This unit standard is intended for people who work in compliance roles in public sector organisations. It addresses the base of knowledge and skills all investigative interviewers must have to be effective in compliance contexts. People credited with this unit standard are able, in a compliance environment, to: explain legal and ethical requirements relating to investigative interviewing; explain memory in relation to investigative interviewing; plan and prepare for investigative interviewing; engage with and prepare the interviewees for investigative interviewing; conduct investigative interviews of people who are not suspects; conduct investigative interviews of suspects; and evaluate the investigative interviewing. |
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| Classification | Public Sector Compliance > Public Sector Compliance Investigations |
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| Available grade | Achieved |
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Explanatory notes

- 1 Legislation applicable to this unit standard may include but is not limited to:
Criminal Disclosure Act 2008;
Evidence Act 2006;
Victims' Rights Act 2002;
Privacy Act 1993;
New Zealand Bill of Rights Act 1990;
Children, Young Persons, and Their Families Act 1989;
Local Government Official Information and Meetings Act 1987;
Official Information Act 1982;
specific legislation mandating the powers and duties of persons carrying out a compliance role in an organisation with respect to its compliance role and/or any other legislation applicable to a particular compliance situation (e.g. Fisheries Act 1996, Resource Management Act 1991).

Legislation includes any applicable subordinate legislation such as regulations, bylaws, and licence conditions. Any legislation superseding any of the above will apply for the purpose of assessment.

- 2 Demonstration of knowledge and skills must be consistent with any applicable code or codes of conduct such as the New Zealand State Services Code of Conduct, *Standards of Integrity and Conduct* (available from <http://www.ssc.govt.nz>) and/or any other organisation-specific code or codes of conduct.
- 3 Range
Evidence is required regarding outcomes 3 and 4 for intended interviews of at least – one interview each of two persons who are not suspects, one interview each of two suspects.
- 4 Evidence for outcomes 3-7 may be through simulation.
- 5 Definitions
Any other applicable legislation refers to specific legislation mandating the powers and duties of a specific organisation in terms of its compliance role and/or any other legislation applicable to a particular compliance situation (e.g. Fisheries Act 1996, Resource Management Act 1991).
Case refers to a problem or situation involving non-compliance, alleged non-compliance, or possible non-compliance requiring a regulatory response.
Compliance (role of) refers to the role, in a public sector organisation, of assessing compliance subjects' levels of adherence with regulatory requirements and carrying out any appropriate intervention.
Compliance environment refers to the physical, social, economic, political, and geographical environment that a public sector organisation's compliance role is carried out in.
Compliance investigation refers to the process of gathering and assessing information to determine facts and, thereby, to determine degree of compliance or otherwise.
Compliance subject refers to a natural person or an entity that is subject, in a particular compliance context, to being regulated.
Conversation management refers to structured techniques used to interview a person who may not freely reveal, or be able to freely reveal, information.
Ethical principles of investigative interviewing refer to principles such as – interviewing is at the heart of investigation; the aim is to discover the truth; information must be complete, accurate, and reliable; keeping an open mind; acting fairly; questioning can be persistent; some witnesses require special consideration; suspects must be interviewed in accordance with the law; care must be taken to identify suspects that require special consideration; being sensitive to cultural background and religious beliefs.
Evidence refers to information given personally, or drawn from a document or exhibit, which tends to prove or disprove a fact.
Good interviewing practice, for the purpose of this unit standard, refers to effective and ethical good practice in terms of a recognised model or models for investigative interviewing, such as the New Zealand Police framework for investigative interviewing that includes the Free Recall and Conversation Management models.
Investigatively important topics are matters identified as requiring further investigation.
Organisation refers to a public sector organisation, as listed in the Public Sector Directory at <http://psd.govt.nz/list/index.php>.
Organisational requirements refer to instructions to staff on policies, procedures, and methodologies which are documented and are available in the workplace.

Practical arrangements refer to arranging times and places, setting up rooms and/or areas, setting up equipment and/or other resources.

Prospective means serving to keep a relationship open for any further engagement.

Suspect refers to a person suspected of breaching a rule or involved in breaching a rule. Other terms used for *suspect* may include but are not limited to – duty holder, potentially liable party (civil or criminal), person of interest, party who is the focus of investigation or compliance action, responsible person, respondent, alleged offender. A *person* may be a legal entity such as a limited liability company.

Outcomes and evidence requirements

Outcome 1

Explain legal and ethical requirements relating to investigative interviewing in a compliance environment.

Evidence requirements

- 1.1 Legal and ethical requirements relating to investigative interviewing in a compliance environment are explained in relation to the New Zealand Bill of Rights Act 1990, the Evidence Act 2006, and any other applicable legislation.

Range legal requirements – relevant powers, obligations of the interviewee, obligations of the interviewer, rights of the interviewee;
ethical requirements refer to – ethical principles of investigative interviewing, code or codes of conduct applicable to an organisation.

Outcome 2

Explain memory in relation to investigative interviewing in a compliance environment.

Evidence requirements

- 2.1 Explanation includes memory stages, processes, and interference and their implications for investigative interviewing in a compliance environment.

Range processes – episodic, semantic, procedural.

- 2.2 Explanation includes strategies to minimise memory interference for investigative interviewing in a compliance environment.

Outcome 3

Plan and prepare for investigative interviewing in a compliance environment.

Evidence requirements

3.1 Planning and preparation for investigative interviewing of persons who are not suspects are consistent with good interviewing practice and are in accordance with organisational requirements and needs of the investigation or investigations.

Range gathering information to cater for the needs of the interviewees, practical arrangements, planning for reference to exhibits and/or information during the interviews.

3.2 Planning and preparation for investigative interviewing of suspects are consistent with good interviewing practice and in accordance with organisational requirements and needs of the investigation or investigations.

Range suspect profiles, interview objectives, evidence collected, evidence required, important topics, specific legal requirements, practical arrangements, planning for reference to exhibits and/or information during the interviews.

Outcome 4

Engage with and prepare the interviewees for investigative interviewing in a compliance environment.

Evidence requirements

4.1 Establishment of rapport is consistent with good interviewing practice and needs of the investigation or investigations.

4.2 Ground rules for interviewing are explained to persons who are not suspects in a manner consistent with good interviewing practice and in accordance with organisational requirements and needs of the investigation or investigations.

Range may include but is not limited to explaining to the interviewees – interview process, to report everything in as much detail as possible even if it seems unimportant, to concentrate hard.

4.3 The interviewing process is explained to suspects in a manner consistent with good interviewing practice, in accordance with organisational requirements and needs of the investigation or investigations, and meeting all legislative requirements in terms of dealing with suspects in the context of investigative interviewing.

Range may include but is not limited to explaining to the interviewees – interview process, cautioning, to report everything in as much detail as possible even if it seems unimportant, to concentrate hard, the opportunity to present their own versions of events.

Outcome 5

Conduct investigative interviews of people who are not suspects, in a compliance environment.

Range at least one interview each of two people who are not suspects.

Evidence requirements

5.1 Interviews elicit full and detailed information that is relevant to the investigation or investigations.

Range may include but is not limited to – open ended questions to elicit free report, non-interruption during free recall, taking notes and identifying topics, expanding topics using open and probing questions, using sketch plans and/or other demonstration technique or techniques, reference to exhibits and/or information during the interviews.

5.2 Interviews are conducted in accordance with organisational requirements.

5.3 Statements are recorded in accordance with organisational requirements and needs of the investigation or investigations.

Range containing all essential information including investigatively important topics, using interviewees' own words, explanations of interviewees' words where appropriate, accurate records of the interviews.

5.4 Interviews are concluded in a polite, positive, and prospective manner and in accordance with organisational requirements.

Range may include but is not limited to – thanking for time, addressing any concerns, providing contact details, advice on further action.

Outcome 6

Conduct investigative interviews of suspects in a compliance environment.

Range at least one interview each of two suspects.

Evidence requirements

6.1 Interviews are conducted in a manner that serves to elicit full and detailed information that is relevant to the investigation or investigations and which would meet the standards for admissibility as evidence in a judicial hearing.

Range may include but is not limited to – open-ended questions to elicit free report, active listening, non-interruption during free recall, identifying suspect topics, expanding suspect topics using questioning appropriate to conversation management, summarising and linking topics, identifying investigatively important topics, expanding investigatively important topics using questioning appropriate to conversation management, following lines of enquiry, reference to exhibits and/or information during the interviews, challenging with the evidence in an explanation seeking manner.

- 6.2 Interviews are conducted in accordance with organisational requirements.
- 6.3 Interviews are recorded in accordance with organisational requirements including all legislative requirements in terms of dealing with suspects in the context of investigative interviewing. The recordings contain all essential information, and identify investigatively important topics and challenges relevant to the case or cases.
- 6.4 Interviews are concluded in a professional, positive, and prospective manner and in accordance with organisational requirements.

Outcome 7

Evaluate the investigative interviewing in a compliance environment.

Evidence requirements

- 7.1 Evaluation addresses the interviewing in the context of the investigation or investigations, considers information provided, and identifies further action to be taken.
- 7.2 Own performance in the interviewing process is evaluated in accordance with organisational requirements.

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| Planned review date | 31 December 2015 |
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Status information and last date for assessment for superseded versions

| Process | Version | Date | Last Date for Assessment |
|--------------|---------|---------------|--------------------------|
| Registration | 1 | 15 April 2011 | N/A |

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| Consent and Moderation Requirements (CMR) reference | 0121 |
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This CMR can be accessed at <http://www.nzqa.govt.nz/framework/search/index.do>.

Please note

Providers must be granted consent to assess against standards (accredited) by NZQA, before they can report credits from assessment against unit standards or deliver courses of study leading to that assessment.

Industry Training Organisations must be granted consent to assess against standards by NZQA before they can register credits from assessment against unit standards.

Providers and Industry Training Organisations, which have been granted consent and which are assessing against unit standards must engage with the moderation system that applies to those standards.

Requirements for consent to assess and an outline of the moderation system that applies to this standard are outlined in the Consent and Moderation Requirements (CMRs). The CMR also includes useful information about special requirements for organisations wishing to develop education and training programmes, such as minimum qualifications for tutors and assessors, and special resource requirements.

Comments on this unit standard

Please contact Learning State Limited qualifications@learningstate.govt.nz if you wish to suggest changes to the content of this unit standard.